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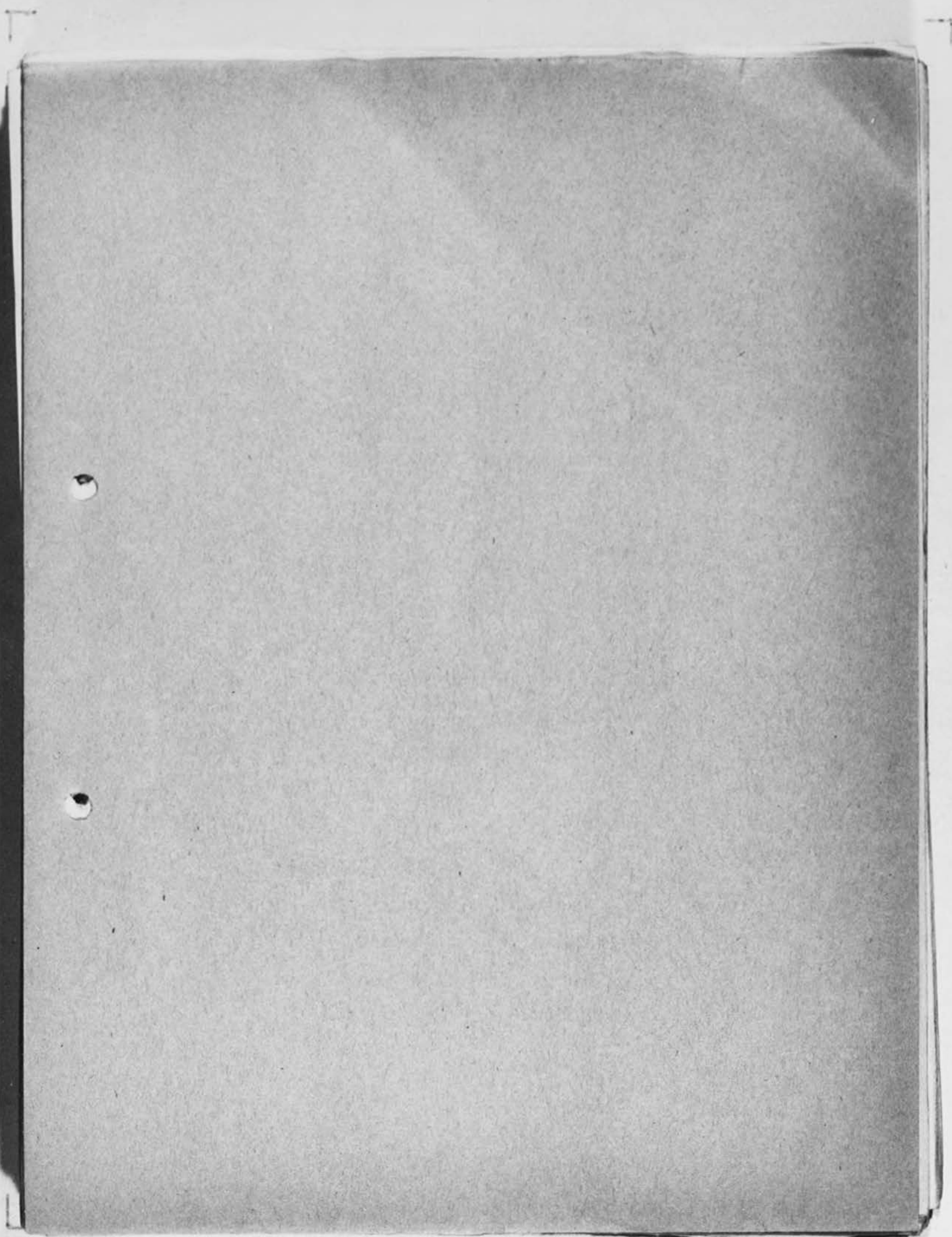
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1942	3054-C		Excerpt from book entitled "Collected Volume of Imperial Headquarters Instructions, Vol. I, Naval Section" - Naval General Staff Directive No. 61 dated 1 March 1942 from Chief of Naval Gener- al Staff, Admiral NAGANO, Osami to Commander-in-Chief of China Seas Fleet, Admiral KOGA		27387
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1 Wednesday, 3 September 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE R. B. PAL, Member
14 from India, not sitting from 0930 to 1600.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

17 - - -

18 (English to Japanese and Japanese
19 to English interpretation was made by the
20 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the permission of the
4 Tribunal the accused ARAKI will be absent from the dock
5 all day conferring with his counsel.

6 Mr. Roberts.

7 MR. ROBERTS: We offer at this time defense
8 document No. 1942, which was previously offered and
9 recalled in order to comply with Rule 6-B. This is an
10 excerpt from exhibit 3054 for identification.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1942
13 will receive exhibit No. 3054-C.

14 (Whereupon, the document above referred
15 to was marked defense exhibit 3054-C and received
16 in evidence.)

17 MR. ROBERTS: I read exhibit 3054-C.

18 "Naval General Staff Directive No. 61.

19 "Date: March 1, 1942.

20 "From: Chief of Naval General Staff, Admiral
21 NAGANO Osami.

22 "To : Commander-in-Chief of China Seas Fleet,
23 Admiral KOGA;

24 "Commander-in-Chief of Kure Naval Station,
25 Admiral TOYODA:

1 " Commander-in-Chief of Yokosuka Naval Station,
2 Vice Admiral HIRATA;

3 "Commander-in-Chief of Maizuru Naval Station,
4 Vice Admiral KOBAYASHI:

5 "Commander-in-Chief of Sasebo Naval Station,
6 Vice Admiral TANIMOTO;

7 "Commander-in-Chief of Chinkai Minor Naval
8 Station, Vice Admiral SAKAMOTO:

9 "Commander-in-Chief of Bako Minor Naval Sta-
10 tion, Vice Admiral YAMAMOTO:

11 "Commander-in-Chief of Ominato Minor Naval
12 Station, Vice Admiral OKUMA;

13 "Commander-in-Chief of Osaka Minor Naval
14 Station, Vice Admiral KOBAYASHI.

15 "In dealing with the shipping of enemy coun-
16 tries and general neutral countries the following shall
17 be the guide hereafter;

18 "1. The sea area under your respective charge
19 shall be patrolled, and the ships of enemy countries
20 and those of the neutral countries that are to be
21 treated similarly to the ships of enemy countries shall
22 be captured or detained."

23 I skip to paragraph numbered 4.

24 "In dealing with foreign shipping in general
25 due process shall as a rule be taken in accordance

1 with the provisions of laws. If a sinking is made
2 'without being enabled to go through prescribed process,'
3 because of some forced circumstances, every possible
4 means shall be taken to rescue human lives after the
5 sinking.

6 "5. As a rule persons of armed services,
7 either armed men or civilians, higher graded mariners,
8 technicians, government officials, etc., who are be-
9 longing to the enemy countries or to the Chiang Kai-shek
10 regime shall be taken as prisoners of war."

11 That completes my presentation. Mr. Freeman
12 will now continue.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, at the
15 second line from the end of this document appear the
16 words "Attached directive." I am informed that the
17 Japanese words actually refer to the sentence which
18 follows, and that there is not a separate attached
19 directive unaccounted for. I would like the matter
20 referred to the Language Division to determine whether
21 or not that is a fact.

22 THE PRESIDENT: It is referred accordingly.

23 MR. TAVENNER: In view of the fact that the
24 last sentence was not read, I feel that I should call
25 to the Tribunal's attention that sentence, showing

1 that Directive No. 15 was abolished. Directive No. 15
2 is the same directive which was referred to in the affi-
3 davit of TOMIOKA, exhibit 3057, the last question and
4 answer on page 10, and also the same directive that was
5 referred to in the affidavit of YAMAMOTO, exhibit 3,052,
6 the last answer on page 6. In that same connection I
7 would like to refer to the addressee in exhibit No.
8 3,054-B, which document relates to the abolishing of
9 Directive No. 60.

10 THE PRESIDENT: Mr. Freeman.

11 MR. FREEMAN: If the Tribunal please, I now
12 call the witness KONDO, Jotaro, whose affidavit is de-
13 fense document 2106.

14 THE PRESIDENT: Major Moore.

15 MAJOR MOORE: In the query in question sub-
16 stitute "supplementary" for "attached."
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1 J O T A R O K O N D O, called as a witness on be-
2 half of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. KONDO, will you give us your full name
7 and address?

8 A My name is KONDO, Jotaro. My address is No.
9 28 Tokiwa-cho, 10 Chome, Urawa City, Saitama Prefecture.

10 MR. FREEMAN: May the witness be shown defense
11 document 2106?

12 (Whereupon, a document was handed to the
13 witness.)

14 Q Mr. KONDO, is that your affidavit and did you
15 sign it?

16 A Yes.

17 Q Are the contents therein correct and true?

18 A Yes, true and correct.

19 MR. FREEMAN: I now offer in evidence defense
20 document 2106.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2106
23 will receive exhibit No. 3067.

24 (Whereupon, the document above referred
25 to was marked defense exhibit 3067 and received in

evidence.)

1 MR. FREEMAN: I shall now read exhibit No.
2 3067.

3 "I was born in Nagano Prefecture on the 13th
4 November, 1894, and graduated from the Tokyo Imperial
5 University in July, 1920. From January, 1942, to
6 July, 1944, I was the Governor of Kanagawa Prefecture.

7 "I wish to make the following statements
8 concerning exhibit No. 1969, 'the Report Concerning
9 Labour Conditions of the Prisoners of War.'

10 "(1) This is a copy of the report which I
11 had sent to the Eastern Army Commander for his refer-
12 ence. This report was made originally in my name to
13 the Home and Welfare Ministers whose jurisdiction I
14 was under as the Governor of Kanagawa Prefecture.

15 "I was under no obligation to report to the
16 Eastern Army Commander.

17 "I presume that the headquarters of the Eas-
18 tern Army transmitted to the War Ministry, the report
19 which I had sent there for reference.

20 "(2) The report gave the fact that the employ-
21 ment of the PW's for labor brought about a favorable
22 impression upon the Japanese people, especially labourers.

23 "(3) Written in the last paragraph of this
24 report is the following: 'Of course, we did not make
25

1 any public announcement the employment of the PW's
2 for labor, but the people found out that the PW's
3 were at work by unintentional observation of their
4 trips between the work shop and the camp' As
5 such, it was the personal opinion expressed casually
6 by some passer-by who happened to witness the PW's
7 on their way to and from work. It was never intended
8 to use the PW's for public display.

9 "I had never received any instruction or sug-
10 gestion from my superiors and others to expose the
11 PW's for public view. I gave no such instruction or
12 suggestion to the local parties concerned.

13 "(4) In short, this report was made to the
14 Home and Welfare Ministers, the higher authorities,
15 by the prefectural government, compiling information
16 received customarily from various local organs. A
17 copy of this report was sent to the Eastern Army
18 Commander just for his reference. No special signifi-
19 cance was attached to this report.

20 "On this 15th day of August, 1947."

21 If the Tribunal please, I would like to ask
22 a few questions on direct examination.

23 Q Mr. Kondo, in next to the last paragraph of
24 your affidavit you state that you received no instruc-
25 tions or suggestions relative to exposing POW's for

1 public view. Now, did you give any instructions or
2 suggestions?

3 A No.

4 Q Did you offer any suggestions relative to
5 the POW's in your prefecture?

6 A Not to superiors, but through my subordinates
7 I have made some -- given advice and admonishments
8 to the authorities in charge of prisoner-of-war camps.

9 Q Will you briefly give us what those sugges-
10 tions were?

11 A This relates to the route connecting POW
12 camps and places at which POW's were at work. I re-
13 call that through a Chief of Section in charge of such
14 matters serving under me I suggested to the authorities
15 in charge of prisoner-of-war camps that in order to
16 maintain the dignity and self-respect of the POW's, as
17 well as to effectuate better traffic control from the
18 standpoint of police activities, the shortest distance
19 between such routes should be selected as would be the
20 shortest distance between POW camps and places of work,
21 and also such routes as would not be -- as would not
22 expose POW's to public view.

23 Q Being Governor of this prefecture, you were
24 authorized to offer these instructions?
25

A I have no direct authority with regard to

1 the prestige or dignity of POW's, which is controlled
2 by the War Ministry ordinance with regard to labor by
3 POW's. I had no such authority, but I was in the posi-
4 tion to report or to give admonition on anything that
5 I feel to be improper in my own jurisdiction and let
6 these facts be known to the proper government authori-
7 ties in charge. That was the custom prevailing at that
8 time and thereafter -- before and thereafter. It is
9 also under the authority -- It is also under the
10 authority of the Governor of the prefecture to control
11 traffic regulations.

12 Q Were your suggestions complied with?

13 A I have received a report from the Chief of the
14 section in charge that the authorities of the POW camps
15 accepted the advice gladly.

16 MR. FREEMAN: That is all.

17 You may cross-examine.

18 THE PRESIDENT: Colonel Mornane.

19 COLONEL MORNANE: If it please the Tribunal,
20 there will be no cross-examination of this witness.

21 MR. FREEMAN: May the witness be excused?

22 THE PRESIDENT: He is excused on the usual
23 terms.

24
25 (Whereupon, the witness was excused.)

1 MR. FREEMAN: If it please the Tribunal, 345
2 and 415 are more or less dependent on each other, and
3 the witness ICHINOGE has not arrived yet, so I will go
4 on to call the next witness, SUGITA, whose affidavit
5 is defense document 1921.

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1 K A Z U J I S U G I T A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. FREEMAN:

Q Mr. Sugita, will you give us your full name
and address?

A My name is SUGITA, Kazuji. My address is
174 Kitazawa, 2 Chome, Setagayaku, Tokyo.

MR. FREEMAN: May the witness see defense
document 1921?

(Whereupon, a document was handed to the
witness.)

Q Mr. SUGITA, is that your affidavit and did
you sign it?

A Yes.

Q Are the contents therein true and correct?

A I should like to have a part of the substance
of my affidavit corrected.

Q Will you point out what correction you would
like made?

A In paragraph No. 3, at page 4 of the English
text, I should like to have the one sentence in the
middle, namely, "I have heard that there was some evi-
dence that 5,000 Chinese were killed, but Japanese

1 officers told me that 5,000 was a much too large an
2 estimate " -- I should like to have this passage de-
3 leted.

4 THE PRESIDENT: That is very quaint.

5 BY MR. FREEMAN:

6 Q Is the affidavit otherwise correct and true?

7 A Yes.

8 MR. FREEMAN: I offer in evidence defense
9 document 1921 as corrected by the witness.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1921
12 will receive exhibit No. 3068.

13 (Whereupon, the document above referred
14 to was marked defense exhibit 3068 and received in
15 evidence.)
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1 MR. FREEMAN: I shall now read in evidence
2 exhibit 3068, beginning with paragraph 2:

3 "2. The instructions issued by the Commanding
4 General of the Army YAMASHITA at the start of the Malay-
5 an Campaign emphasized the foremost principle of making
6 friends with the native people. On the fall of Singa-
7 pore we were made to see to it that an exemplary occu-
8 pation work should be carried out with no hitch in tak-
9 ing over the city in consideration of the great reper-
10 cussion of the fall of the city not only over the
11 southern native people but to every nation in the world.
12 While we were acting upon the instruction, the General
13 urged General Percival to surrender early instead of
14 going on with their resistance that involved so much
15 bloodshed of townsfolks in his written summons to sur-
16 render, which, I think, is in the hands of the British
17 Army. A promise was also made on the occasion of the
18 interview between General YAMASHITA and General Percival
19 that the British noncombatants and womenfold would be
20 protected.
21

22 "3. During the attack on Singapore, the Jap-
23 anese Army also sustained much loss (50% of that through-
24 out the whole Malayan Campaign) and tension between
25 Britain and Japan was so intense after the fall of
Singapore, general sentiment of our soldiers against

1 Chinese merchants grew worse as the Chinese obstructed
2 our operations a great deal as the operation proceeded.

3 The following are examples of Chinese merchants
4 obstructions:

5 "a. Toward the end of December 1941, a hundred or
6 more of armed Chinese merchants took stand in a northern
7 forest with the aim of disturbing commissary lines and
8 burning our munitions as well.

9 "b. In the end of December 1941, during the battle
10 near Cambar, frequent signal shells were seen shooting
11 in the night from around our troops. And upon invest-
12 igation it was learned that this was done by Chinese
13 merchants.

14 "c. In the middle of January, 1942, in the battle
15 near Guemasa (TN?) and Segenot (TN?) as well as at the
16 time of the enemy air raids on Kuala Rumpur, signal
17 shells were again shot up to show the way for enemy
18 fire and planes, which were later made clear also to
19 have been the tricks of Chinese merchants.

20 "Also in the middle of January 1942, when the
21 Japanese Imperial Guards Division was crossing river,
22 they helped to guide enemy planes on night raids.

23 "d. In the middle of January 1942, when the afore-
24 said Division was fighting near Maracca and Batbahat
25 (TN?), Chinese merchants aided enemy submarines lying

1 off the coast. They sheltered, guided and defended the
2 secret agents who came from the submarines, making the
3 enemy fire from the Maracca Sea easy and advantageous.

4 "e. At many places military communication wires
5 were cut up. All through the while the commanding
6 General of the Army did not make any change in the in-
7 struction given at the start of war, but only put more
8 stress on the strict punishment of those whose obstruc-
9 tions of our operations were beyond doubt.

10 "And his attitude was stern toward ill behav-
11 ior of Japanese officers and men. An investigation
12 made after the termination of war disclosed that the
13 army commander issued an order on 17 February 1942.
14 This order was purely an operational one with the aim
15 of mopping up the Chinese merchants of enemy character
16 lurking in and around the city, and intending to deal
17 them a decisive blow.

18 "As for me, I witnessed neither the actual
19 mopping up nor even a single corpse. * * * * I heard
20 later that the General Headquarters of the Japanese
21 Forces in the Southern Regions thought that the mopping
22 up tactics should not have been used and was not ordered
23 by them. Lt. General MUTO, who came to the Southern
24 Area in the latter part of March 1942, expressed his
25 view that the mopping up tactics should not have been

1 used, also.

2 "I don't remember anything of my interview with
3 Major General Newbegin (TN) and Colonel Wild on 22
4 February 1942 about which Colonel Wild testified.

5 "Immediately after the fall of Singapore con-
6 ferences and arrangements were so frequent in order to
7 prevent mishaps, divergences, and misunderstandings
8 between Japan and Britain (in view of lack of exper-
9 ience of occupation works on our side and language
10 difficulty) that it was the latter part of February
11 before the occupation operated smoothly.

12 "In the Island of Singapore, the British
13 Forces were allocated for internment to Changi and
14 Indian soldiers to Nieson (TN) and other areas and
15 there existed considerable confusion.

16 "It was highly difficult task to concentrate
17 the British soldiers stationed on separate islands,
18 but efforts were made to prevent accidents in con-
19 formity with the order of the Commanding General
20 of the Army. The British Forces, if my memory serves
21 me right, carried foodstuffs in good quantity for them-
22 selves, using their own automobiles (some 10), trucks
23 (some 50) and hydro-automobiles (some 10).

24 "They were driving about 20 trucks a day to
25 carry foodstuffs by themselves from the wharf of

1 Singapore, but those trucks (except a few) were, I
2 heard, confiscated about the middle of March.

3 "The ordinary townsfolk as well as womenfolk
4 detained in private houses in the northern part of
5 Singapore at the beginning were taken toward the end
6 of February to the Changi Prison. At that time Japan-
7 ese Forces were so pressed in the preparations for the
8 next operation while British POW's were quite at
9 leisure that some of the Japanese soldiers asked,
10 'Which is the winner?'

11 "I remember, too, of General YAMASHITA's inspec-
12 tion in the camps about the beginning or middle of
13 March 1942 when he shook hands with Lt. General
14 Percival who expressed thanks to General YAMASHITA.
15 Till the first part of February or March 1942, the great
16 majority of the prisoners were engaged in improving the
17 prison and in preparing for cultivation of crops to
18 support themselves, bathing at intervals in the sea.
19 Since the beginning of March hundreds of prisoners
20 were coming back and forth by autos from Changi all the
21 time for the purpose of cleaning the city of Singapore,
22 which proved so inconvenient that the plan was changed
23 so as to transfer part of them to the city from Changi
24 and preparations for it were under way. What became of
25 it, however, I cannot tell, for then I shifted to dif-

1 ferent post and in addition I travelled to Sumatra on
2 official business.

3 "5. Of the Hospital Alexander incident, I
4 got no information at that time. About 12 or 13 March,
5 the date on which Colonel Wild testified that this
6 occurred, the front line was not advanced as far as
7 the said hospital.

8 "6. I acknowledge the Exhibit 476, namely the
9 document consisting of 'Outline of the investigation on
10 inhumanities during the Malayan Campaign' and other
11 four parts, except the part made of two leaves of
12 Japanese paper copied from excerpts of Diary of
13 18 February. These documents were availed of by the
14 4th squad of Prisoners Investigation Committee. Among
15 them, 'the State of Punishment of Chinese merchants at
16 Singapore (23 October 1942)' was written mainly by
17 myself at first, But as it proved insufficient further
18 study was made and it was revised as 'Outline of the
19 investigation on inhumanities during the Malayan Cam-
20 paign of 23 November' written chiefly by myself, assisted
21 by Major HASHIZUME.

22 "But a number of insertions and cancellations
23 on the documents were made by other hands. I drafted
24 them and presented them, as noted on the first page,
25 to the Central Prisoners Investigation Committee and to

1 the Prisoners Investigation Board. Whether these organi-
2 zations adopted them or not I cannot ascertain from
3 the documents. I am not sure of whose hands are those
4 notes such as 'deleted' or 'see attached papers' entered
5 with pencil on the documents.
6

7 "On this 24th day of July, 1947."

8 You may cross-examine.

9 THE PRESIDENT: Colonel Mornane.

10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, in a part of your affidavit that was
13 not read, it is said that you held the post of the
14 Chief of Intelligence Staff in 1942. Is that correct?
15

16 A Yes.

17 Q And in that post it was part of your duty to
18 keep General YAMASHITA informed of what was going on?

19 A Yes that was one of my duties.
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1 Q And in that capacity you learned that on the
2 21st of February arrests of Chinese began?

3 A However, at that time I was primarily a
4 liaison officer and hardly had any time to be concerned
5 with intelligence.

6 Q Did you, in fact, know that on the 21st of
7 February the arrest of the Chinese had begun?

8 A No, not that it had started -- not at that
9 time.

10 Q Later on you became chairman of a committee
11 that was appointed to inquire into this massacre?

12 A That was after the termination of the war.

13 Q And as a member of that committee you ascer-
14 tained that the arrests began on the 21st of February?

15 A Yes.

16 Q And that the execution of about 5000 had
17 taken place by the 23d of February?

18 A The fact, or the alleged report, that over
19 5000 were killed was concerned with the 21st of February
20 and thereafter covering the entire period.

21 Q At all events you made use of Major General
22 KAWAMURA's diary in investigating this massacre?

23 A Yes, not only the diary of Major General
24 KAWAMURA but from information received by others who
25 were concerned in the matter -- who participated in the

matter.

1 Q Major General KAWAMURA was in charge of the
2 roundup of these Chinese, was he not?

3 A Lieutenant General KAWAMURA was commander
4 of the garrison and the Kempei-tai was under that
5 organization.

6 Q When you saw this entry in KAWAMURA's diary
7 of the 23d of February which reads as follows: "Held
8 a Unit Commander meeting from 11:00 a.m. and listened
9 to the reports concerning the situations of searching
10 to the effect that those who had been punished numbered
11 approximately 5000"--

12 A There may have been but I do not recall.

13 Q These Chinese were not tried, were they, by
14 any court?

15 A No.

16 THE PRESIDENT: Why did you strike that
17 passage out of your affidavit? It is in evidence
18 that the passage is struck out and we know what the
19 words of the passage were.

20 THE WITNESS: I had the passage deleted
21 because I could not say that I had obtained the
22 figures from Japanese authoritative sources. While
23 in Singapore I was able -- I testified that approxi-
24 mately 5000 were killed but inasmuch as Japanese army
25

1 authorities said that the figures were much smaller
2 in view of the conditions then prevailing in that
3 area and since I received no such authoritative
4 information from such sources, I decided to delete
5 this passage.

6 THE PRESIDENT: That explanation would
7 justify the retention of the passage in the affidavit.

8 THE WITNESS: No, I do not think so. It was
9 not from Japanese authoritative sources that I was
10 told that the number was less than 5000.

11 Q Witness, you say that you heard later that the
12 general headquarters of the Japanese forces in the
13 southern regions thought that the mopping up tactics
14 should not have been used?

15 A Yes.

16 Q From whom did you hear that?

17 A I heard that from staff officers who came to
18 Singapore from the headquarters of the Southern Army
19 at the time.

20 Q And you also heard that headquarters of
21 Southern Army had not ordered the mopping up tactics?

22 A No, not so.

23 Q You say -- I am sorry, I didn't quite under-
24 stand your answer.

25 A Yes, I have heard that the Southern Army was

1 opposed to mopping up tactics but they did not issue
2 such an order to the commander of the 25th Army,
3 General YAMASHITA.

4 Q Was the mopping up ordered by General
5 YAMASHITA?

6 A Yes.

7 Q What was done by the Southern Army to punish
8 General YAMASHITA, who was responsible for issuing
9 this order to kill these Chinese?

10 A The Southern Army took no steps.

11 Q You say that, "Of the Hospital Alexander
12 incident, I got no information at that time. About
13 12 or 13 March, the date on which Colonel Wild
14 testified that this occurred, the front line was
15 not advanced as far as the said hospital." Actually,
16 of course, Singapore had fallen by the 15th of February?

17 A Yes, on the 15th of February.

18 Q What you really meant to say there was
19 "about the 12 or 13 of February," I take it?

20 A Yes, it would be a mistake to say March.
21 It should be February.

22 Q Do you know where the Hospital Alexandra is
23 situated?

24 A Yes, I do.

25 Q I suggest to you that the Japanese front line

passed there at 4:30 p.m. on the 14th of February;

1 would that be correct?

2 A I do not think they passed that line.

3 Q You say in your affidavit they did not pass
4 by the 12th or 13th but on the 14th of February, one
5 day before the surrender?

6 A Yes, that I know.

7 Q Did you ever hear of the massacre at the
8 Hospital Alexandra before you left Singapore?

9 A No.

10 COLONEL MORNANE: I do not propose to cross-
11 examine this witness further, if it please the Tribunal,
12 but I wish to draw the Tribunal's attention to exhibit
13 1506 at page 12,904 and exhibit 1507 at page 12,907
14 which purport to be eye witnesses' accounts of what
15 happened at Queen Alexandra Hospital and also they
16 state that the front line was there at 4:30 p.m. on
17 the 14th of February, not the 13th.

18 THE PRESIDENT: What is the page of Colonel
19 Wild's evidence too?

20 COLONEL MORNANE: Colonel Wild, page 5398,
21 said he heard that about the 12th or 13th of February
22 this happened.

23 THE PRESIDENT: At what page is Colonel Wild's
24 evidence of his interview with the witness?
25

1 COLONEL MORNANE: That is the interview when
2 Brigadier Newbiggin was present. That is at page
3 5365-7, if the Tribunal please.

4 THE PRESIDENT: Thank you.

5 MR. FREEMAN: May the witness be excused?

6 THE PRESIDENT: He is released on the usual
7 terms.

8 (Whereupon, the witness was excused.)

9 MR. FREEMAN: I now read from exhibit 476,
10 the last paragraph on page 36 and the first paragraph
11 on page 38 which refers to the intrigue of the Chinese
12 during the Malayan campaign. Page 36, exhibit 476:

13 "III. The state of purging on the Malay
14 Peninsula.

15 "1. The state of peace and order on the Malay
16 Peninsula.

17 "The intrigues of the Chinese during the
18 Malay campaign were as described already. Even after
19 the fall of Singapore, numerous anti-Japanese Chinese
20 hid themselves in cities and forests. Some of them,
21 standing for communism, and maintaining mutual connec-
22 tions among them, continued active operations under a
23 firm organization in order to carry on a systematized
24 anti-Japanese movement. They made efforts to obtain
25 arms, ammunition, provisions, as well as comrades-in-

1 arms. Meanwhile, they looted the surrendered arms
2 which we had assembled, assassinated our officers
3 and men, destroyed our communication and transporta-
4 tion lines, killed, threatened and pillaged law-
5 abiding citizens at large. Thus the state of peace and
6 order on the Malay Peninsula after the war was still
7 alarming."

8 Page 38, first paragraph:

9 "In short, the purging operations on the
10 Malay Peninsula represented peace preservation patrol
11 activities to protect not only the Japanese troops
12 themselves but also the life and property of the
13 people at large (Chinese, Malaysians, Indians, etc.).
14 Although we regret to say that we have no clear idea
15 of the detailed situation owing to lack of data, the
16 anti-Japanese Chinese who lost their lives were
17 principally those who fell under our bullets, etc.
18 during battle in the course of the purging operations.
19 Our side also suffered considerable casualties in the
20 course of the difficult punitive operations."

21 I next read excerpts from exhibit 475 which
22 is a report by the Japanese government concerning the
23 construction of the Burma-Thailand Railway. These
24 excerpts deal with conditions under which Japanese
25 nationals and POWs worked.

Page 4, paragraph 4: "As the construction of the railway was completed in October 1943, all the prisoners except those who were engaged in the maintenance work, were transferred to camps in Siam. The camps there could shelter the men from rain and the food situation and sanitary conditions were improved. Those men thought to be suitable for a certain kind of work were removed to French Indies for a time and then transferred to Singapore on their way to Japan. The war prisoners who were rescued had been on board a steamer which departed from Singapore at the beginning of September and 1300 English and Australian prisoners were aboard."

Page 20: "In this district, we suffer a good deal from the influence of the rainy season, especially on the Burma side. During the rainy season, hurriedly constructed motor roads and newly built railroads were very difficult to maintain, and were a great cause of hindering supply. On the Thai side, since the middle of May, a through motor car communication was suspended, on the Burma side, with difficulty kept up by every available means."

1 "When the waters of the Keonoi rose, it
2 could be utilized for navigation, serving as a line
3 of communication, but when in flood was rather a
4 hindrance to communication. Also, immediately after
5 the rainy season sets in, no navigation is possible
6 for about twenty days when the waters rise slowly.
7 During this period, there lurks the danger of suspension
8 of through communication both on land and on water.
9 On the Burma side, both railway bridges and road
10 bridges on the Mezari and Winyau (both rapids with
11 driftwoods in them) were swept away and the supply
12 was in crisis.

13 "Another hindrance to be specially noticed
14 is the fact that the rainy season set in one month
15 earlier than usual. For this reason, various counter-
16 measures against the rainy season had not yet been
17 complete, when we were taken by surprise, with the
18 consequence that most of our utmost endeavor came to
19 nothing. The effect was decisive and fatal to our
20 work, supply and maintenance, to the sanitary arrange-
21 ment, etc., and coupled with the simultaneous sudden
22 prevalence of cholera, the construction work and the
23 superintendence of prisoners became much more diffi-
24 cult, and the number of victims increased.

25 "Section II. Various countermeasures and

their execution.

1 "1. The success of this construction
2 solely depended upon the preparedness in the rear-
3 ward area. Therefore, the South General Army fully
4 acknowledged the necessity of:

5 "(1) Preparation for supply

6 "(2) Measures for sanitary arrangement

7 "(3) Securing and maintaining labor

8 "(4) Securing and pooling of materials
9 of construction, and every endeavor was made for the
10 realization of this plan."
11

12 Page 22, the last two paragraphs:

13 "The main part of the newly delivered supply
14 motor trucks (200 cars) were put into active use for
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1 only about twenty days before the rainy season set
2 in, and only 40 per cent of these cars were fit for
3 service, many of them often breaking down. Therefore,
4 every effort was made for the supply of fixed rations,
5 and attempts were made to pile up reserve stocks of
6 provisions and forage for use in the inner regions
7 during the rainy season, but were not successful.
8 During this period there was no great difficulty in
9 the supply of stable ration, although a certain quan-
10 tity of supplementary rations were lacking in the
11 inner regions.

12 "The motor trucks were sent there too late;
13 the construction of the motor road was not complete
14 with the appointed time; during the dry season the
15 road was in active use only for a short time; there
16 was a shortage in transportation capacity; these were
17 the main causes for the lack of rations above-mentioned."
18

19 Page 23, paragraph C.

20 "Thus the supply was comparatively easy dur-
21 ing the dry season, but as soon as the rainy season
22 set in the roads both in Thailand and Burma were full
23 of mud with marshy places here and there, which per-
24 mitted no motor-car traffic, while the waters in the
25 rivers did not rise rapidly. For a month (in May)
through traffic both on land and water was held up,

1 the supply was cut short, and those stationed in the
2 inner regions - 100 km. along the line - had to be
3 contented with half or one-third of the supply of fixed
4 rations."

5 Page 33, the last half of the page, beginning with paragraph 5:

6 "The prisoners of war in the above paragraphs
7 were transported, those on the Thailand side by rail-
8 way, those on the Burma side by ships, respectively,
9 to the construction area, while their removals within
10 the construction area were done on foot. The details
11 about this transportation will be shown in Chapter V,
12 'Explanation for the Protests'.
13

14 "Section II Relations between the Super-
15 vising Party and Employing Party.

16 "1. Outline of the supervision of prisoners
17 of war and their missions to construct the railway
18 is seen in the annexed paper, III, above.

19 "2. After the Thailand Camp was organized,
20 (August 1942), it was designed to co-operate with the
21 construction troops about for a year since July 1943.

22 "3. The delay in the progress of the work
23 owing to the increase of patients due to the influence
24 of the weather and climate made necessary still closer
25 relations between the working troops and the camp,

1 regarding the improvement of supply and sanitation,
2 as well as the working capacity, till at last in
3 July 1943 the Thailand camp was put under the command
4 of the construction commander. However, a part of war
5 prisoners located in Burma side (two branches with
6 about 15,000 prisoners) was since July 1943 put under
7 the command of the commander of the 5th railway regi-
8 ment who was concurrently the commander of the
9 construction work in that area, by the reason of the
10 difficulty of liaison, the remoteness and the in-
11 convenience of supply. But as to the supervision of
12 the war prisoners in the proper sense, they were
13 under the control of the head of the Thailand Camp.
14 Except in the Burma area the camps were under the di-
15 rect management of the construction commanders, but
16 were never put under the direct control of the work-
17 ing troops."

18 Page 34, paragraph 8:

19 "As is mentioned above, the close relation
20 was kept between the supervision party and the em-
21 ploying party, and much attention was paid to the
22 prisoners' health and a special effort was made to
23 improve the situation of supervision on the basis
24 of their customs and manners. This can be seen from
25 many instructions rendered by the commanders of the

1 camps to their men and those rendered on the port of
2 embarkation to the prisoners to be transported, on
3 the occasion of their transportation to the homeland."

4 Page 35, paragraphs 6 and 7:

5 "In September when the rainy season was over
6 the condition of roads became better, and also in
7 addition to the advance of the head of the upper con-
8 struction of tracks, the concurrent employment of the
9 water route of the Keonoi River became possible.
10 Therefore, as the transportation of supply got better
11 the regular ration could be given with the aid of the
12 commissary troops and by the great effort of the
13 transportation section of the troops. However, owing
14 to the fatigue accumulated within more than one year
15 past and the deployment in the remote places insuf-
16 ficiently equipped with the sanitary arrangements,
17 the number of patients and the deceased did not shrink.

18 "7. After the completion of the work in
19 October 1943 the Thailand Camp despatched 1,000
20 healthy prisoners alternatively from the flat country
21 to the remote places and caused them engage in the
22 re-inforcement work of the railway; and at the same
23 time, successively transferred and collected this
24 main body over the level ground, and endeavored
25 especially to recover the health of the prisoners.

The supervision, too, became normal.

1 "Especially many camps were established in
2 the rendezvous, such as Panpon Kanchanaburi and a
3 camp hospital was built at the cost of 1,500,000 yen
4 at Nakonpaton. Besides making such a great effort to
5 give medical treatment to the patients the supplies
6 were given beyond the regular ration.

7 "So the health condition of the prisoners
8 got better step by step and the number of patients
9 and the dead dwindled.

10 "The two branches of the Malay camp were
11 restored successively to their proper positions by
12 the end of that year and their health condition also
13 recovered.

14 "8. The disposition of the Thailand camp
15 will be shown in the annexed Chart I.

16 "9 An outline of the services of the pri-
17 soners and the list of patients and the dead during
18 the construction work can be seen in the annexed
19 Table I and VIII.

20 "Chapter IV. Disgraceful Affairs during
21 the construction work.

22 "Section I. Insults upon corpse.

23 "On a day in June 1943 there broke out a
24 case that Lieutenant FUJII, Kiyoshi, commander of
25 the second company of the 9th Railway Regiment,

1 ordered one of the war prisoners to shoot his fellow
2 who was suffering from cholera (dead) in consideration
3 of checking the disease.

4 "2. He was brought to trial in the court
5 martial of the Thailand Occupation Army but was ac-
6 quitted. As for himself, the commander of his own
7 troops gave him a maximum punishment for his improper
8 treatment.

9 "The Army Department suspended him from
10 office and relieved of his post, causing him to re-
11 turn to the homeland.

12 "The railway construction commander disci-
13 plined the commander of the 9th Railway Regiment to
14 which FUJII belonged.

15 "The details are not certain, as the docu-
16 ments were burnt down.

17 "Section II. Other Affairs.

18 "Concerning any other affairs than that in
19 Section I it is quite difficult for the central
20 authority to search into them. It is desired the
21 local authorities be investigated.

22 "But there was not such a case as 600 men
23 were pushed down to death from a precipice.

24 "Explanations on some special items in re-
25 lation to the protests of the Allied Powers.

1 "Section I. On the treatment of war pri-
2 soners during the construction of the Thailand-Burma
3 Railway.

4 "Gist.

5 "As for the treatment of war prisoners during
6 the preparatory course and construction of the Thai-
7 land-Burma Railway, it will become clear when the
8 circumstances and the actual state of affairs at that
9 time are understood, namely, though the greatest ef-
10 fort at that time was made under the above mentioned
11 circumstances, many fell unavoidable victims.

12 "Further explanation, apart from the above
13 circumstances, about the transportation to and the
14 marching within the construction area will be given
15 hereafter.

16 "2. Railway transportations.

17 "a. Railway transportation of the war pris-
18 oners in Thailand and Malay at the time of the con-
19 struction work.

20 "The transportation capacity required from
21 the viewpoint of the operation and military admin-
22 istration ran short conspicuously, while about 3,500 cars
23 possessed in Malay were reduced to about 1,700
24 usable cars by extreme decadence and the means of
25 communication was in a very poor state, and various

1 kind of cars of French Indo-China, Thailand, Malay,
2 and Japan were used mixedly. As a result, they had
3 hard work to draw up a transportation plan and to
4 manage the cars. The 3rd Field Railway Headquarters
5 took charge of the planning and managing of the railway
6 transportation, basing on the south army Ordinance on
7 the management of the railway transportation. In
8 the transportation of the persons it was not unusual
9 that one train was limited to take 700 persons on
10 board (25 carriages with 28 persons per carriage)
11 in Malay-Southern Thailand line.

12 "This standard was adopted indiscriminately
13 for the war prisoners and the native laborers as well.

14 "The cars used consisted of five uncovered
15 wagons which were used to put on brake and other
16 covered ones (CG). These were mainly cars trans-
17 porting rice from Thailand to Malay and coming back
18 with no load."

19 THE PRESIDENT: We will recess for fifteen
20 minutes.

21 "Whereupon, at 1045 a recess was
22 taken until 1100, after which the pro-
23 ceedings were resumed as follows.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal pleases, I
5 will continue to read exhibit 475, beginning at the
6 top of page 38, paragraph 1:

7 "The transportation of war prisoners was as
8 a whole carried out on this organization. It was
9 owing to such a situation that even Japanese officers
10 as a rule were taken on board the wagons at that time.
11 But in some places there might have been instances
12 where the rate of covered and uncovered wagons in
13 organizations was subject to a slight alternation in
14 accordance with the car situation at the time or more
15 persons than the full capacity were forced to be taken
16 on board."

17 I next read page 43, section II, "On the
18 treatment of war prisoners in Moulmein Area."

19 "1. Gist.

20 "Though researches about this matter have
21 been made into every local authorities concerned from
22 the end of 1944, the details are unknown, for the
23 persons concerned at that time had almost all been
24 dead or transferred, as a long time elapsed since then.

25 "It can be considered that some contents of

1 your protests have discrepancies in the period and
2 the figure, and some are exaggerated and some are
3 not founded.

4 "In the following they will be explained
5 on the ground of the data which are distinct at
6 present.

7 "2. About the report.

8 "A. There is no fact that nearly 20,000
9 war prisoners were accommodated in Moulmein and its
10 vicinity at the beginning of 1942.

11 "B. In Moulmein and its vicinity, from
12 March to June, 1942, about 120 prisoners of English
13 officers, and about 700 Indian prisoners and in Tavoy
14 79 Indian prisoners who were interned together with
15 hostile citizens were held.

16 "The war prisoners in Moulmein and those in
17 Tavoy were removed to Rangoon Field Camp (established
18 on the 19th of March 1942) in June 1942 and in
19 February 1943, respectively.

20 "C. Nevertheless, it was decided that the
21 war prisoners should be employed to make good the
22 want of labor when the construction of the Thailand-
23 Burma Railway was discussed, and 9,535 prisoners
24 from Java and 1946 prisoners from Singapore were
25 removed to the vicinity of Tanpizaya in Burma (about

1 50 kilometres south of Moulmein), in November 1942
2 and in January 1943, respectively.

3 "D. And as they were composed into the
4 Thailand Camp, it must have been reported relating
5 to an opening place of the Thailand Camp.

6 "3. State of Affairs.

7 "A. The deceased while being accommodated
8 before the construction of the Thailand-Burma Rail-
9 way were five Englishmen (one of them on account of
10 the wound caused in the battle) and five Indians.

11 (The above is a report of the Malay Camp.)

12 "And as it was just at the beginning of
13 Burma operation, and it was almost impossible to
14 send the supply to the rear, the collecting of
15 materials on the spot was not carried out as it was
16 desired. Consequently, the supply may not have been
17 enough, but the same was with the Japanese Army."

18 Page 44:

19 "B. The number of the deceased prisoners
20 in the district to the east of Tanbizaya after the
21 construction of the Thailand-Burma Railway was begun
22 (about since October 1942), is as shown in the
23 annexed Table VIII.

24 "Even in all Burma to the west of Tanbizaya
25 (at this time there was no prisoners in Moulmein)

1 there were 10 deceased in October and 12 in Novem-
2 ber 1942. It is unfounded that at that time so many
3 were dead as in your protests.

4 "C. As the construction of the Thailand-
5 Burma Railway was most urgent for the operation as
6 mentioned beforehand, the work must be forced even
7 with what materials and equipments the Japanese
8 Army had.

9 "Moreover, the districts along the projected
10 railway line were the jungle where no man had even
11 trodden and the accommodations and supplies and
12 sanitary facilities were quite different from the
13 normal life of the war prisoners and the traffic was
14 interrupted frequently during the rainy season of
15 1943.

16 "On account of these causes, the war prison-
17 ers as well as the Japanese soldiers were obliged to
18 suffer great pains.

19 "Especially, though the main forces of the
20 sanitary facilities of the Japanese Army were con-
21 centrated to prevent the prevalence of malaria and
22 disorders of the digestive system, they could not be
23 checked.

24 "Still more with the civilized prisoners
25 unaccustomed to the wild life.

1 "When the railway was opened in October 1943,
2 every establishment and equipment were made complete
3 and the number of the patients and the deceased re-
4 markably dwindled.

5 "As for the details, refer to the Chapters
6 I and III.

7 "4. Display of the war prisoners.

8 "A. There is no fact that the war prisoners
9 were contemptuously displayed in February 1944 as
10 your protests mention.

11 "D. But it is not certified whether or not
12 some of those who were engaged in the supplementary
13 work were employed in order to transport the foodstuff
14 and materials in the city of Moulmein after the com-
15 pletion of the construction of the Thailand-Burma
16 Railway."

17 If the Tribunal pleases, I next offer in
18 evidence defense document 345, which is Army Order
19 No. 1, containing instructions issued by the War
20 Minister to Japanese soldiers at the front.

21 Only one-half of paragraph 2 and paragraphs
22 6 and 7 on pages 12 and 13 will be read.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLEIK OF THE COURT: Defense document 345
25 will receive exhibit No. 3069.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3069 and received in evidence.)

4 MR. FREEMAN: I shall read three paragraphs
5 from exhibit 3069, beginning middle of page 5:

6 "Even though your military . . ."

7 THE INTERPRETER: Mr. Freeman, will you
8 kindly tell us what page you are reading from.

9 MR. FREEMAN: Page 5, beginning at the middle
10 of the page with "Even though."

11 THE PRESIDENT: Can you do something to
12 overcome these delays, Mr. Freeman? They are most
13 annoying; they are not warranted; they can be avoided
14 and should be avoided.

15 MR. FREEMAN: Yes, sir. (Reading continued):

16 "Even though your military might overcome
17 the enemy, your martial virtue will not be perfect if
18 you are devoid of the virtue of benevolence to forgive
19 those who submit and to love those who obey. Martial
20 spirit should not be haughty and benevolence not os-
21 tentatious. The virtues of bravery and benevolence
22 are noble only when they flow naturally and spontan-
23 eously from one's self. The true province of the
24 Imperial Army lies in the execution of justice tempered
25 with mercy so that the universal virtues of His

1 Majesty shall be looked up to by all."

2 Page 12, bottom of the page, paragraph 6:

3 "Pay regard to the custody of enemy assets
4 and properties. Requisition, confiscation, and
5 destruction of supplies should be carried out always
6 only on orders of the commanding officer according to
7 regulations.

8 "7) Following the basic principle of the
9 Imperial Army, love and protect innocent native
10 people with benevolence."

11 I next call the witness ICHINOME, whose
12 affidavit is document 415.

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1 K I M I Y A I C H I N O H E, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. ICHINOHE, will you give us your full
8 name and address?

9 A My name is ICHINOHE, Kimiya. My address,
10 care of TAKAHASHI, No. 426, Matsuhara-cho, 4-chome,
11 Setagaya-ku, Tokyo.

12 MR. FREEMAN: May the witness see defense
13 document 415.

14 Q Is that your affidavit, and have you signed it?

15 A This is my affidavit. It bears my signature.

16 Q Are the contents therein true and correct?

17 A Yes.

18 MR. FREEMAN: I now offer in evidence defense
19 document 415.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 415
22 will receive exhibit No. 3070.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3070 and received in evidence.)

1 MR. FREEMAN: I now read exhibit 3070, begin-
2 ning with paragraph (4).

3 "(4) The outline of my career is as follows:

4 "On the 26th day of January of the 18th year
5 of Showa (1943), finished a special course at the
6 Military College.

7 "On the same day, commissioned a staff officer
8 of the Imperial Guard Division.

9 "On the 14th day of February of the same
10 year, arrived at Medan, Sumatra Island.

11 "On the 23rd day of September of the 18th year
12 of Showa (1943), commissioned a staff officer to the
13 Fourth Division.

14 "On the 22nd day of September of the same
15 year, mobilization was ordered to the Fourth Division
16 and I prepared, in Sumatra Island, for the arrival of
17 the division as an advance staff officer.

18 "On the 10th day of November the 18th year
19 of Showa (1943), arrived at Padang, Sumatra Island.

20 "On the 10th day of June, of the 19th year
21 of Showa (1944), commissioned a military staff officer
22 of the Imperial Headquarters.

23 "On the 27th day of June of the same year,
24 arrived at Tokyo.

25 ~~"(5) At the time when I was on duty in the~~

1 Sumatra Island, copies of the Imperial Rescript given
2 to the soldiers and the Instruction in the War Field had
3 been distributed to every corps stationed there. At
4 the headquarters of the Imperial Guard Division, all
5 members of its respective department met on one spot
6 every morning and held morning parade. All members
7 of the headquarters of the Fourth Division did also
8 likewise. At the morning parade a senior officer or
9 his deputy officer read in turn the Imperial Rescript
10 or 'The Instructions to Army Officers and Men on
11 Conduct and Behavior in Battle Fields' and gave in-
12 structions or directions based on them, so that the
13 Rescript and Instructions may well be diffused and
14 put into practice. On the festival and memorial days,
15 the same thing was performed previous to its ceremony.

17 "In every corps assigned to the both division
18 too, the same effort was made in the same way to
19 diffuse and put into practice the Imperial Rescript
20 and the spirit of 'The Instructions to Army Officers
21 and Men on Conduct and Behavior in Battle Field.'

22 "I know it by the reports from the corps
23 and also by my personal attendance on the spot on the
24 festival and memorial days.

25 "On the 23rd day of January, (1947)."

Cross-examine.

1 COLONEL MORNANE: There will be no cross-
2 examination, if it please the Tribunal.

3 MR. FREEMAN: May the witness be excused?

4 THE PRESIDENT: He is excused on the usual
5 terms.

6 (Whereupon, the witness was excused.)

7 MR. FREEMAN: I next offer in evidence
8 defense document 1520, which is the affidavit of
9 Alfred E. Kretschmer, former German military attache
10 to Japan during the war in the Pacific.

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: If the Tribunal please, I
13 would like to inquire whether the basic document is
14 the Japanese text or the English text.

15 I am advised by counsel that it is the
16 English text; and I should point out that the
17 Japanese text omits a sentence. The sentence next
18 to the last from the bottom of page 2, beginning with
19 "Ambassador Ott..." I am told is omitted from the
20 Japanese translation.

21 MR. FREEMAN: I was not aware of that, of
22 course.

23 THE PRESIDENT: Is that correct, Mr. Freeman?

24 MR. FREEMAN: I do not know.

25 THE PRESIDENT: What you read will be repeated

1 in Japanese, including that sentence, so go ahead.

2 Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 1520
4 will receive exhibit No. 3071.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 3071 and received in evidence.)

8 MR. FREEMAN: I now read in evidence
9 exhibit 3071.

10 "I was German Military Attache in Tokyo from
11 December 4, 1940 until May 8, 1945.

12 "Between January 1941 and March 1944, I paid
13 official visits to the various Japanese fronts:
14 Manchuria, Inner Mongolia, North China, Central China,
15 Hong Kong, French Indo-China, Siam, Malaya, Singapore,
16 Dutch East Indies, Philippines. I have not seen the
17 New Guinea front.

18 "In March 1942 when all the Axis military
19 and air attaches visited part of the southern regions
20 conquered by the Japanese army, in Singapore only we
21 were invited to look over one of the local POW camps.
22 We declined as we had already protested in Manila when
23 we were led through a civilian internment camp there.
24 Perhaps because of this, our strict refusal, no one
25 of us were ever again invited to visit a Japanese POW

camp.

1 "In Singapore we happened to see Australian
2 POWs driving by us in trucks. They made a healthy
3 impression, more happy than depressed, and seemed
4 scarcely guarded. In December 1942 or January 1943,
5 in reprisal for the chaining of German soldiers cap-
6 tured during an English commando raid on one of the
7 Channel Isles, the German government as is known, had
8 ordered a special number of British POW to be tem-
9 porarily put in chains. The German Foreign Office
10 had commissioned Ambassador Ott to ask the Japanese
11 Foreign Office to join in on these reprisals as Italy
12 had promised to do. Ambassador Ott, as well as we,
13 naval, air and military attaches, detested the exten-
14 sion of such reprisals and besides this we were of
15 the opinion that the Japanese government would reject
16 this request as not corresponding to the Bushido spirit.
17 Ambassador Ott, therefore, remonstrated to the German
18 Foreign Office. The remonstrations were disregarded and
19 Ambassador Ott asked me to approach the Japanese army
20 with the proposal. He himself would address the
21 Japanese Foreign Office. I talked the matter over
22 with Major YAMAZAKI of the War Ministry. The next day
23 I received the War Ministry's answer that the Japanese
24 army would not join in on such German reprisals, they
25

1 being contrary to the Bushido spirit. Ambassador Ott
2 received a corresponding answer from the Japanese
3 Foreign Office. In my conversation with the leading
4 army circles, I learned that the desire existed among
5 the Japanese to treat POW decently and according to
6 international law as was done in the First World War
7 with the German Tsingtao Garrison.

8 "As to the civil internment camp in Manila
9 which was shown us by Axis military and air attaches
10 in March 1942, I state that the quarters were somewhat
11 crowded but the internees made a healthy impression.
12 They were apparently allowed to govern and feed them-
13 selves.

14 "Wherever I saw Japanese soldiers during my
15 excursions mentioned above, they were in fair or good
16 discipline."

17 I next call the witness INADA, Masazumi.
18 whose affidavit is defense document 1701.
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1 M A S A Z U M I I N A D A, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. INADA, will you give us your full name?

8 A INADA, Masazumi.

9 MR. FREEMAN: May the witness see defense
10 document 1701.

11 Q Is that your affidavit, and have you signed it?

12 A Yes.

13 Q Are the contents therein true and correct?

14 A Yes.

15 MR. FREEMAN: I offer in evidence defense
16 document 1701.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT:: Defense document 1701
19 will receive exhibit No. 3072.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 No. 3072 and received in evidence.)
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1 MR. FREEMAN: I now read into evidence ex-
2 hibit 3072:

3 "My full name is INADA, Masazumi. My age is
4 52 and I am at present living in Sugamo Prison.

5 "At the time of the outbreak of the war, I
6 was Vice-Chief of Staff of the Fifth Army in Manchuria
7 and held the rank of major general. In the spring of
8 the following year I became Chief of Staff of the same
9 Army. In March, 1943, I became Vice Chief of the
10 General Staff of the Southern Army in Singapore. In
11 December of the same year I became commander of the
12 Second Aircraft Base Force in New Guinea and Manock-
13 oeri. In April 1944 I became the 6th Air Division
14 Commander, and in October of the same year, the 3rd
15 Shipping Transport Commander at Manila. In April 1945
16 I was promoted to the rank of lieutenant general, in
17 May of the same year I became Chief of Staff of the
18 16th Area Army in Kyushu and, concurrently, of the
19 Western Army. The close of the war came at that time.

20 "About July, 1943, in Singapore I had an
21 interview with Lieutenant General HAMADA, Chief of
22 the War Ministry's Prisoner Control Department, who
23 was then on a tour of inspection of the conditions of
24 war prisoners. When he stated his wish to improve the
25 treatment of war prisoners, I answered to the following

effect:

1 "Supreme Commander TERAUCHI was irreconcil-
2 ably opposed to cruel treatment of war prisoners and
3 was wont to call for more care in handling them. The
4 members of his staff were always seeing that the con-
5 cerned officers and men act according to his desires.
6 They instructed, however, that war prisoners should
7 be treated in the same manner as ordinary armed units,
8 since special treatment better than that given the
9 ordinary armed units could not possibly be given to
10 them. For example, the work on the railway to con-
11 nect Thailand with Burma, then in progress, employed
12 ordinary armed units, civilian laborers, and war
13 prisoners. This work was not by any means an easy
14 task for them for various reasons. They were hard
15 pressed for provisions and medicine. However, the war
16 prisoners were never cruelly treated. All that could
17 be afforded was done for them all alike so as to main-
18 tain their working power.
19

20 "Then, on the same occasion, Lieutenant
21 General HAMADA told me that he had inspected principal
22 war prisoner internment camps in various parts of the
23 Southern Countries, such as Thailand and Burma, and had
24 given instructions to improve the treatment of war
25 prisoners."

You may cross-examine.

THE PRESIDENT: Colonel Mornane.

CROSS-EXAMINATION

BY COLONEL MORNANE:

Q Witness, you never inspected the Burma-Thailand prison camps yourself, did you?

A I never inspected them.

Q And, therefore, you could not say of your own knowledge that the war prisoners were never cruelly treated in relations to the Thailand-Burma Railway.

MR. FREEMAN: If the Tribunal please, the affidavit concerns certain instructions given and that is what he has made his affidavit on, as to instructions given here.

THE PRESIDENT: Objection overruled.

A May I have the question repeated?

(Whereupon, the last question was read by the Japanese court reporter.)

A No, I could not speak because I have seen these places actually.

COLONEL MORNANE: If the Tribunal please, I do not propose to continue to cross-examine this witness on this matter but will draw the Tribunal's attention to the fact exhibits 1555 through 1575,

1 which appear at pages 12,991 through 13,087 --

2 THE PRESIDENT: I do not get that.

3 COLONEL MORNANE: Exhibits 1555 through 1575,
4 which appear at pages 12,991 through 13,087 of the
5 record, and the evidence of Williams at page 13,003,
6 Coates at page 11,411 to 11,433, and Wild at page 5345.

7 MR. FREEMAN: May the witness be excused?

8 THE PRESIDENT: He is excused accordingly.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: I next call the witness SAWADA
11 Shigeru, whose affidavit is defense document 1253.

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1 S H I G E R U S A W A D A, recalled as a witness on
2 behalf of the defense, having previously been
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. SAWADA, will you give us your full name?

10 A SAWADA Shigeru.

11 MR. FREEMAN: May the witness see defense
12 document 1253?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes.

19 MR. FREEMAN: I offer in evidence defense
20 document 1253.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1253
23 will receive exhibit No. 3073.
24

25 (Whereupon, the document above
referred to was marked defense exhibit
No. 3073 and received in evidence.)

1 MR. FREEMAN: I now read exhibit 3073,
2 beginning with paragraph 3:

3 "3. From December 1940 till October 1942, I
4 was at Shanghai as Commander of the 13th Army. The
5 military occupation by the Japanese troops of the Inter-
6 national Settlement at Shanghai, following the outbreak
7 of the Pacific War on 8 December 1941, was effected in
8 an orderly manner and under perfect discipline, amidst
9 the admiration and praise of the whole citizens. There
10 were no unfortunate happenings; nor was there a single
11 shot fired.

12 "Every precaution was taken to prevent any
13 unfortunate happenings that often accompany the mili-
14 tary occupation of a city. The following are the
15 major steps taken:

16 "a. The strength of the occupation force was
17 reduced to a minimum, and it is my recollection that
18 the number of soldiers did not exceed 500 at the most.

19 "b. The occupation took place in the daytime.
20 In other words, since we thought that the general
21 office hour of workers following various professions
22 and belonging to various classes within the Internation-
23 al Settlement began at about 9 a.m., we commenced the
24 occupation hour later, that is, at 10 a.m.

25 "c. Prior to the advance of troops, our

1 mixed military envoy composed of army, navy and
2 foreign office personnel, visited the Shanghai Muni-
3 cipal Office and notified in advance of our military
4 occupation in order that the authorities of the
5 settlement might take all possible measures to pre-
6 vent disturbances and unrest among the citizens.

7 "d. The police units of the settlement were
8 promptly stationed at various security positions,
9 and in their presence the advance of the Japanese
10 troops was started.

11 "e. The troops, marching in orderly for-
12 mation without being subdivided, reached the turf
13 and the barracks formerly used by the U. S. Marine
14 Corps, and there quickly closed up. Soldiers were
15 strictly prohibited from dispersing.

16 "f. Whenever there was any special duty to
17 be performed, either a corps commanded by an officer
18 or a group of specially chosen non-commissioned
19 officers were appointed for the task.

20 "g. Patrol parties were very frequently
21 despatched to make a round of inspection with a view
22 to preventing wrongs and misdeeds being committed.

23 "h. Everywhere in the city notices were
24 posted telling the citizens to set their minds at rest.

25 "i. I summoned up all the commanders and gave

1 them instructions that every possible precaution be
2 taken against wrongs and misdeeds, and that military
3 discipline be enforced with great strictness and
4 severity. I also instructed them to discharge their
5 duty without resort to arms.

6 "j. Banks were not closed and were under
7 special orders to carry on their business as usual.

8 "k. Japanese nationals were prohibited
9 from entering the city, except those with certifi-
10 cate issued by the Japanese Consul.

11 "Because of such precautionary measures, not
12 a single incident occurred. I started for a round of
13 inspection through the city at about 3 p.m. and found
14 nothing unusual. There was much traffic. Shops were
15 carrying on their business as usual, not a single shop
16 being closed.

17 "The newspapers in Shanghai unanimously ex-
18 tolled the behaviours of the Japanese troops and went
19 so far as to call them exemplary behaviours.
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1 "4. In Shanghai there were some 1,500 or
2 1,600 American and British prisoners of war who were
3 in charge of the 13th Army under my command. I used to
4 instruct the Chief of the POW Camp to be above all,
5 compassionate, fair and just in his treatment of
6 prisoners of war. Major General YUSE, Camp Commandant,
7 meticulously abode by my instructions. When prisoners
8 were assigned to some labour inside the camp, he used
9 to share the work with them, whereby setting an example.

10 "Major General YUSE, on his own initiative,
11 used to come to my quarters once a week to report on the
12 conditions in the camp. He was so devoted to his work
13 that he at length succumbed to a disease and died while
14 he was still in the same position.

15 "The POW Camp was properly equipped and
16 properly managed. Mr. Egley (TN: ?), a Swiss, delegated
17 by the International Red Cross to inspect the camp, was
18 highly delighted after he had inspected the camp, and
19 immediately after his visit to the camp, took the
20 trouble of writing me a letter of thanks.

21 "Although it is regrettable that one of the
22 interpreters at the camp has been indicted as a war
23 criminal on the charge of some illegal act, yet the
24 general conditions in the camp may be gathered from
25 the fact that with the exception of this interpreter,

1 neither the Camp Commandant nor any one of his sub-
2 ordinates has been put to trial.

3 "We tried to be fair and just also in our
4 treatment of hostile nationals. It was my intention
5 to place no restraint upon peaceful citizens, who
6 offered us no resistance, and to let them lead a normal
7 life. Upon this line, we decided on the methods of
8 treating these citizens. Consequently, during my
9 tenure of office hostile nationals such as Americans,
10 Britishers and so on were under no restraint whatsoever
11 and were at liberty to reside and make a living in the
12 city. They were allowed to follow their respective
13 occupations. Even in the case of the officials in the
14 Shanghai Municipal Office, those occupying leading
15 positions were not removed but were allowed, in the
16 interests of the settlement, to carry on their work until
17 they themselves tendered their resignations on their
18 own initiative (as I remember, towards March, 1942).

19 "Furthermore, bank deposits were not frozen,
20 and for each individual person's living expenses a
21 certain amount per month could be drawn from the bank.
22 With regard to the treatment of hostile nationals and
23 their properties, there was a committee consisting
24 of delegates from the War Ministry, the Navy Ministry,
25 the Foreign Office and the Asiatic Development Bureau,

1 which after deliberation decided on various measures
2 so that no one could take arbitrary and high-handed
3 steps.

4 "The authorities of the Foreign Office, I
5 believe, know better than anyone else that in the
6 Shanghai district a fair and just treatment was accorded
7 to hostile nationals.

8 "On this 16th day of January 1947

9 "/s/ SAWADA, Shigeru."

10 You may cross-examine.
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. SAWADA, as Commander of the 13th Army
5 in Shanghai, did you have any connection with the trial
6 and execution of the Doolittle Fliers?

7 MR. FREEMAN: If the Tribunal please, I
8 object to that question. It is entirely outside the
9 scope of this affidavit.

10 THE PRESIDENT: It is not and you know it.
11 Objection overruled.

12 A Yes, the trial was carried out under the
13 responsibility of my army and under -- and over which
14 I was responsible.

15 Q Who was your superior at that time?

16 A General TADA.

17 Q Did you say "General HATA"?

18 THE MONITOR: Mr. Tavenner, the name of the
19 general is General TADA, T-A-D-A.

20 Q What was the position of the accused HATA at
21 that time?

22 A I was Commander of the 13th Army. General
23 HATA was Commander-in-Chief of the China Expeditionary
24 Forces.

25 Q Then, as Commander of the 13th Army, you were

1 serving under and subordinate to the accused General
2 HATA?

3 A Yes.

4 Q Did you discuss the matter of the trial of
5 the Doolittle Fliers with the accused, General HATA?

6 A As I was absent from my post prior and at the
7 time of the trial, I had no discussion whatsoever with
8 the Commander-in-Chief.

9 Q On your return from the front, before orders
10 were received to try the Doolittle Fliers, did you
11 discuss the matter with General HATA?

12 A Already one month had elapsed at the time I
13 had returned from the front.

14 Q Then, you did have a conversation with the
15 accused HATA regarding the trial of the Doolittle Fliers?

16 MR. FREEMAN: If the Tribunal please, this
17 is definitely -- he hasn't said he had any conversation.
18 The prosecution is just putting words in the witness'
19 mouth, or they are attempting to, and I object to that
20 line of questions.

21 THE MONITOR: The witness stated: "I talked
22 with the Commander-in-Chief after I returned from the
23 front."
24

25 Q When you talked to General HATA, did you ask
him when the orders would be received to go ahead with

1 the trial of the Doolittle Fliers?

2 A When I met General HATA, the trial had
3 already been over.

4 Q As a matter of fact, did you not ask General
5 HATA before the trials -- didn't you say to him that
6 you were waiting for the receipt of the orders to try
7 the Doolittle Fliers?

8 A No such thing happened prior to the trial.

9 Q Did not General HATA say to you that he was
10 also waiting for orders from Tokyo to try the Doolittle
11 Fliers?

12 A No, that he was waiting for the results of
13 the review of the Shanghai Trial that was to take place
14 in Tokyo.

15 BY THE PRESIDENT:

16 Q Were the Kempeitai under your command?

17 A No.

18 BY MR. TAVENNER (Continued):

19 Q From whom did you receive orders to try the
20 Doolittle Fliers?

21 A I received the orders from the Commander-in-
22 Chief.

23 Q Who was the Commander-in-Chief?

24 A General HATA.

25 Q Was that an order issued by him?

1 A Yes.

2 Q Do you have a copy of that order?

3 A No, I do not.

4 Q What became of it?

5 A I do not know.

6 Q Did you not discuss the matter with the accused
7 HATA prior to the receipt of the order?

8 A No, I did not.

9 Q Did I understand you to state that you were
10 not in command of the 13th Army at Shanghai at the time
11 of the trial?

12 A I was Commander of the 13th Army.

13 Q What did you tell us a few minutes ago about
14 being away from your command at the time of the trial?

15 A I was absent for several months commanding
16 front-line forces in a very large-scale operation along
17 the Sekkan Railway at that time. That's the Szechuan-
18 Hankow Railway.

19 THE PRESIDENT: I am asked by a Member of the
20 Tribunal to put a question.

21 BY THE PRESIDENT:

22 Q What were the contents of the order from
23 General HATA?

24 A It was a simple order, ordering the 13th Army
25 to conduct the trial of the Doolittle Fliers.

1 BY MR. TAVENNER (Continued):

2 Q On what charges?

3 A I do not know the formalities of the proceed-
4 ings, because I was absent and these matters were
5 handled by my subordinates during my absence.

6 Q Now, I would like for you to fix a little
7 more definitely the time of your conference with the
8 accused HATA and what it related to.

9 A I think it was around the 20th of September,
10 when I returned from the front-line after commanding
11 operations, I went to General Headquarters to make a
12 report. And at that time, among other things, I made
13 a report on the trial of the Doolittle Fliers. At that
14 time I told the Commander-in-Chief, General HATA, that
15 the sentence seemed to have been very heavy. But,
16 inasmuch as the results of the trial had been reported
17 to Tokyo, there was nothing else that we could do,
18 except to wait the results of the review which was being
19 conducted in Tokyo. On that same occasion General HATA
20 also said that inasmuch as the case was being reviewed
21 in Tokyo, there was nothing that could be done except
22 to wait.

23 THE PRESIDENT: We will adjourn now until
24 half-past one.
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(Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal is now in session.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, the prosecution will be satisfied with reference to the prosecution evidence concerning other matter which might be considered rebuttal to this witness's testimony.

With regard to the Shanghai prison camp, reference is made to Exhibit 1819, at page 14,161, and exhibit 1901, page 14,179.

With regard to Bridge House prison camp at Shanghai, reference is made to exhibit 1893, page 14,165; exhibit 1894, page 14,166; exhibit 1900, page 14,178; exhibit 1901, page 14, 179; and the testimony of the witness Powell, pages 3,270 and 3,280 inclusive.

With regard to Woosung prison camp at Shanghai, exhibit 1897, page 14,172; exhibit 1900, page 14,178 exhibit 1901, page 14,179; exhibit 1911, page 14,191; and exhibit 1914, page 14,194.

With regard to the witness's statement at

1 lines 5 and 6, from the top of page 3, regarding
2 restraint of allied prisoners, reference is made to
3 the testimony of Powell at page 3,270.

4 That is all, if the Tribunal please.

5 THE PRESIDENT: Mr. Lazarus.

6 CROSS EXAMINATION (Continued)

7 BY MR. LAZARUS.

8 Q General SAWADA, will you please tell us what
9 the duties---

10 THE PRESIDENT: On behalf of -- ?

11 MR. LAZARUS: General HATA, sir.

12 Q Will you please tell us what the duties were
13 of General HATA as Commander-in-Chief of the Japanese
14 Armies in China?

15 A He had the duty of supervising and commanding
16 the China expeditionary forces.

17 Q If he were to have to take a city or plan a
18 campaign, he would first have to receive orders from
19 Tokyo, isn't that correct?

20 A There are two categories depending upon the
21 scope of the operation. Some he planned on his own
22 authority, and some he waited on orders from Tokyo.

23 Q But he held no control involving international
24 law and foreign fliers? The orders had to come from
25 Tokyo, isn't that correct?

1 A I received my orders directly from the
2 commander-in-chief, but I have heard that the commander-
3 in-chief received his orders direct from Tokyo.

4 Q Where did you hear that?

5 A From General HATA.

6 Q Have you ever since that time learned that
7 General HATA did receive orders from Tokyo to hold
8 this trial?

9 A Yes.

10 Q From where?

11 A From General HATA.

12 Q Did you hear it from any other source at any
13 time?

14 A Yes, I heard that from General TOJO after I
15 entered Omori Camp. That was much later.

16 Q Do you know when that was? Can you place that?

17 A That was in October, the year before last---
18 November

19 Q General SUGIYAMA was chief of staff at that
20 time, was he not?

21 A Yes.

22 Q And it was General SUGIYAMA who had given the
23 orders for the holding of the trial, isn't that correct?
24

25 A I have not heard of the details, whether it was
issued by the chief of the army general staff or by the

1 war ministry.

2 Q But it had to come through from either the
3 war ministry or the chief of the army general staff?

4 A Yes.

5 Q And General HATA, being only a commander in
6 China, would have to obey the orders either of the war
7 ministry or the chief of the army general staff if they
8 so directed it, isn't that correct?

9 THE PRESIDENT: It depends on what the order
10 was. It is for us to decide whether the order was or
11 was not any breach of international law.

12 Q From where did the order come that the sentence
13 of five of the fliers was to be commuted to life, and
14 only three were to be executed?

15 A I can't reply to that because the order came
16 after I left my position as commander of my army.

17 Q Did you ever learn at a later time where the
18 order did come from?

19 A I heard that the order came from Tokyo, but I
20 don't know where in Tokyo.

21 THE PRESIDENT: A member of the court desires
22 that the following question be put to the witness:

23 BY THE PRESIDENT:

24 Q Were the judges in the case of the Doolittle
25 fliers obliged to sentence, or at liberty to acquit the

accused?

A The judges were at liberty to conduct the trial on the basis of the law.

Q What was the law?

A Military laws promulgated by the China Expeditionary Forces.

Q Did that permit of an acquittal?

A No.

BY MR. LAZARUS:

Q When the China Expeditionary Forces promulgated these laws, do you know whether or not orders had been received from Tokyo for the promulgation of these laws?

A Although I heard of this later, the draft came from Tokyo.

MR. LAZARUS: Mr. President, I am informed that the answer to your question as to whether or not the judges were at liberty to acquit was an improper one in the translation. May we have it translated again, or would you require that it be referred to the Arbitration Board?

THE PRESIDENT: The Japanese reporter will repeat the answer.

MR. LAZARUS: May I ask also that the judge's question be repeated, sir, so that the witness may

state whether or not he said it?

1 THE PRESIDENT: That may only confuse things.
2 I said nothing that wasn't perfectly clear and fully
3 understood.

4 MR. LAZARUS: Of course, this is nothing more
5 than a request, but because it is so important I respect-
6 fully ask that you permit that, sir.

7 THE PRESIDENT: I asked that the answer be
8 repeated by the court reporter. I understand that was
9 done. I don't know. I don't understand Japanese. Will
10 the translator from Japanese into English tell me what
11 the court reporter said in pursuance of that direction?
12

13 THE INTERPRETER: The court reporter hasn't
14 read the answer yet, sir, in Japanese.

15 THE PRESIDENT: He should have done so.
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1 MR. LAZARUS: Mr. President, I would be will-
2 ing to waive it and straighten it out later, if that
3 will help.

4 THE PRESIDENT: In view of the few direc-
5 tions I gave and the clarity of them, I cannot under-
6 stand this. It is mystifying.

7 THE MONITOR: Mr. Lazarus, which statement
8 did you refer to? We are not very clear on that?

9 MR. LAZARUS: We will check it later.

10 THE MONITOR: All right, sir.

11 THE PRESIDENT: I think we should straighten
12 it out now. We are not going to be hung up in this
13 way.

14 Will the Japanese court reporter repeat the
15 last answer given to me by the witness.

16 (Whereupon, the Japanese court reporter
17 read in Japanese.)

18 Will the translator from Japanese into Eng-
19 lish say what the Japanese reporter said?
20

21 THE INTERPRETER: Yes, sir. "That wasn't so"
22 was the witness' reply.

23 BY MR. LAZARUS:

24 Q If General HATA were to have disobeyed ordering
25 the set up of the court to try the Doolittle fliers,
what would have been the result?

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Objection is made, if the
3 Tribunal please. This witness is not qualified to
4 answer a question of that type.

5 THE PRESIDENT: It is a purely hypothetical
6 question. Objection upheld.

7 MR. LAZARUS: Nevertheless, Mr. President,
8 this witness had once been Vice Chief of Staff. General
9 HATA was Commander-in-Chief of the China forces. Sure-
10 ly he would know what the repercussions would be should
11 a high-ranking officer disobey his superiors in a
12 matter like this.

13 THE PRESIDENT: The question is still one for
14 us: Was the order manifestly unlawful according to
15 international law?

16 MR. LAZARUS: Nevertheless --

17 THE PRESIDENT: And the consequences in the
18 Japanese army of obeying an invalid order are beside
19 the point. It wouldn't matter. But it may certainly
20 be taken into account in dealing with sentence. The
21 Japanese army have no authority to validate an order
22 invalid according to international law.

23 MR. LAZARUS: I am not worrying about that
24 point, Mr. President.

25 THE PRESIDENT: That is the consequence of

1 the point you are putting.

2 MR. LAZARUS: I am not worrying about the
3 validity of the order, Mr. President. I am not try-
4 ing to argue that. I am trying to show that if General
5 HATA received such an order he was bound to obey it;
6 he had no alternative. The Charter itself provides
7 that if it should be shown that a person obeyed an
8 order because it came from superiors, that may be shown
9 even if only in mitigation.

10 THE PRESIDENT: The discussion is purely aca-
11 demic. What a military court would do to a man who is
12 tried for not carrying out an invalid order we do not
13 know.

14 MR. LAZARUS: Mr. President, I am not worrying
15 about the military court. What I am trying to deter-
16 mine here for the Tribunal and for the record is whether
17 or not General HATA had the right to disobey this order
18 and say, "No, there will be no court," despite the fact
19 that he received orders that there would be a court.

20 THE PRESIDENT: General HATA is being tried
21 for what he did, not for what he might have done.

22 MR. LAZARUS: I am not trying to show, Mr.
23 President, what he might have done; I am trying to show
24 what he had to do. He had no alternative but to obey
25 this order.

1 THE PRESIDENT: In other words, if the order
2 were invalid according to international law, General
3 HATA could say, "My government ordered me to carry it
4 out; therefore I must be acquitted." It is nonsense.

5 I spoke of acquittal, not mitigation of sen-
6 tence with which the Charter deals. I did mention
7 mitigation earlier, at the beginning of this discussion.

8 MR. LAZARUS: Mr. President, we are going to
9 show a chain as follows: The trial was held in China.
10 General HATA was Commander-in-Chief in China, but the
11 order for this trial originated in Tokyo. It only
12 passed through his office because it had to go that way
13 through channels. He couldn't stop it. He couldn't
14 change it. He couldn't turn it back.

15 THE PRESIDENT: If he is convicted he may ad-
16 vance that in mitigation.

17 MR. LAZARUS: Wouldn't we be allowed to show
18 that he did not originate this order, that it simply
19 went through his office? He had nothing to do with it
20 other than to forward it through the normal channels of
21 his command. That must go in the record. That must go
22 before this Court.

23 THE PRESIDENT: Every general is presumed to
24 know the contents of an order he receives, and this man
25 cannot tell us what HATA knew or did not know about

1 these orders.

2 MR. LAZARUS: Then, am I to understand that we
3 are not allowed to show whether or not a person origi-
4 nated the orders or merely forwarded them from one
5 channel to the other because they had to pass through
6 his office and because he happened to be holding that
7 position at the time?

8 THE PRESIDENT: You have changed your ground.
9 You wanted to put a question as to what would happen
10 to HATA if he did not comply with the Japanese Govern-
11 ment's orders. That is another question. I have
12 answered that sufficiently, and the discussion is closed.

13 MR. LAZARUS: Very well, Mr. President. I
14 will proceed, then, on the ground of which you approve.

15 Q General SAWADA, if orders had come from Tokyo
16 ordering the trial of the Doolittle fliers, before they
17 could reach your headquarters they would have to go
18 through the headquarters of General HATA as Commander-
19 in-Chief of the armies in China, isn't that correct?
20

21 A Yes.

22 Q And when a decision was announced by the Court,
23 that decision had to be forwarded to Tokyo again through
24 General HATA's office because he was Commander-in-Chief
25 of the forces in China, isn't that correct?

A That is so, yes.

1 Q And in Tokyo, after they saw the decision
2 and they decided to change it from eight deaths to
3 three deaths and five life sentence, again, in order
4 to reach your command, that order making that change
5 had to go through General HATA because he was Commander-
6 in-Chief of the armies in China, isn't that correct?

7 A Yes, that is so.

8 MR. LAZARUS: In conclusion and in support
9 of that position we respectfully further refer the
10 Tribunal to pages 14,604 of the record; I believe it
11 is exhibit 1,984-A of the prosecution. It is part
12 of the interrogation of General TOJO, and we refer
13 specifically to the following:

14 "Q Then, the order of occurrences was as
15 follows: the raid, the capture of the fliers, the
16 order which you issued, the trial, and the executions?"

17 "A Yes.

18 "Q And the order which you issued provided
19 for the trial and punishment?

20 "A Yes."

21 MR. TAVENNER: If the Tribunal please, objec-
22 tion is made to the recital of evidence and comment on
23 it at this stage.

24 THE PRESIDENT: The objection is upheld. You
25 are right out of order.

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1 BY MR. TAVENNER (Continued):

2 Q I understood you to state that when the
3 sentence was sent through for review to Tokyo that
4 it passed through the hands of the accused, HATA.
5 Now, did the accused, HATA, have the power to make
6 recommendations in connection with that review,
7 reducing the death sentence to life imprisonment or
8 other type of sentence?

9 A I do not know about the authority of the
10 Commander in Chief.

11 Q Did the Commander in Chief make a recom-
12 mendation?

13 A With regard to that, when I reported to the
14 Commander in Chief he said that inasmuch as the
15 raiding incident took place in the Japanese homeland
16 and inasmuch as the order is that the review of the
17 case was to be held in Tokyo, probably a just and
18 fair review of the case would be made, and that
19 there was nothing for us to do except to wait for the
20 decisions passed by the Tokyo authorities.

21 Q Then according to that, neither you nor
22 the accused, HATA, made any recommendation in send-
23 ing through this sentence for review?
24

25 A I did not do it.

Q From what the accused, HATA, said to you,

1 did he do it?

2 A I do not think so, but I cannot speak
3 positively on this point.

4 Q You do recall that he said there was
5 "nothing for us to do," that "it would be reviewed
6 in Tokyo"?

7 A Yes.

8 Q And he made no request that you make a
9 recommendation; that is, the accused, HATA, did not?

10 A No.

11 Q Now, when you referred to certain orders
12 emanating from Tokyo, did you mean by that that they
13 emanated from the War Minister, TOJO?

14 A I did not know at that time whether the
15 order was issued by the War Minister or by the Army
16 Chief of Staff.

17 Q Do you know now?

18 A Even to this day I do not know.

19 MR. TAVENNER: If the Tribunal please, one
20 further reference is made to the prosecution's
21 evidence. The order signed by General HATA, the
22 accused, with regard to the trial of the Doolittle
23 fliers, will be found as exhibit 1991 at page 14,662
24 in the transcript.

25 THE PRESIDENT: Mr. Tavenner, your right to

1 further cross-examine is questioned, but not by the
2 defense.

3 MR. TAVENNER: I did not --

4 THE PRESIDENT: I have not finished.

5 MR. TAVENNER: Excuse me.

6 THE PRESIDENT: You should have been pre-
7 ceded by Mr. Lazarus who actually cross-examined,
8 and probably had a right to do so because of what was
9 said about HATA by the witness.

10 MR. TAVENNER: If the Tribunal please, had
11 I realized there was any question about my right to
12 ask the questions, I would have asked permission of
13 the Tribunal, but I attempted to confine my questions
14 entirely to matters brought out by Mr. Lazarus in his
15 cross-examination.

16 THE PRESIDENT: I am not going to undertake
17 to raise points that should be raised by the defense,
18 at all events. I am a judge. I am not a counsel
19 for the defense or for the prosecution.

20 MR. TAVENNER: With the exception of referring
21 to the document as being in evidence, I confined my
22 questioning to two points only, which were considered
23 by and brought up by Mr. Lazarus.
24
25

RE CROSS-EXAMINATION

1 BY MR. LAZARUS:

2 Q One question arising from the examination
3 of Mr. Tavenner, if the Court please.
4

5 General SAWADA, when you told Mr. Tavenner
6 that neither you nor General HATA had made recom-
7 mendations about the decision of the court to
8 Tokyo -- is it the usual custom in the Japanese
9 army for you or General HATA to make recommendations
10 in such cases to your superiors?

11 A It was not a custom.

12 MR. LAZARUS: Thank you.

13 MR. FREEMAN: May the witness be excused?

14 THE PRESIDENT: He is excused on the usual
15 terms.

16 (Whereupon, the witness was excused.)

17 MR. FREEMAN: I next offer in evidence
18 defense document 1849 which is the affidavit of Mary
19 Martin, an English subject who was interned in Hong
20 Kong at the beginning of the Pacific War.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1849
23 will receive exhibit No. 3074.
24

25 (Whereupon, the document above
referred to was marked defense exhibit No.

3074 and received in evidence.)

1 MR. FREEMAN: I now read certain parts of
2 exhibit 3074. Beginning with the second paragraph
3 on page 1:
4

5 "My husband, Arthur J. Martin, was British
6 Consul General in Chungking and we had gone to Hong
7 Kong on sick leave in November, 1941, where he had
8 an operation early in December, at the Queen Mary
9 Hospital. He was getting on excellently well, but
10 the attack of the Japanese of Hong Kong was followed
11 by a complete breakdown of most services; no food,
12 no medicines, a practical breakdown in so many
13 directions including morale, that chances for sur-
14 vival for any except the most fit and hardy were
15 slight, and my husband died on the 7th of April,
16 1942.

17 "During those months, from January until
18 the end of June, when I was allowed to leave Hong Kong
19 on the repatriation ship, the Gripsholm, with the
20 repatriated Americans, my husband and I, and later I
21 alone, owed every bit of consideration and help
22 which we received to certain Japanese officials, to
23 whom I feel the deepest gratitude. The kindness
24 they showed us meant that my husband's last days were
25 at least peaceful, and that I am alive today. I was

1 not prepared, after my husband's death, to face
2 concentration camp life, and told the Japanese in
3 charge of the Foreign Office. I was lucky that he
4 realized I meant what I said. The kindness my
5 husband and I received was also shown to various
6 other people and I feel that the Japanese concerned
7 should receive credit for what they did."

8 I next turn to page 4, the beginning of the
9 second paragraph:

10 "The kindnesses shown by Mr. ODA to my
11 husband and me were innumerable. He came out to see
12 my husband personally. He lent us money out of his
13 own pocket, and later a considerable sum from
14 Japanese Government funds. He saw to it that I had
15 a pass sealed by the highest army authorities. I
16 had it translated by a Chinese friend of mine who
17 told me, 'Well, you certainly are under very high
18 protection.' It meant I had courteous treatment from
19 all sentries, who guarded all the roads everywhere
20 in Hong Kong. He spared no effort to protect us in
21 every way, and on my husband's death sent a repre-
22 sentative to the funeral, with a huge wreath from
23 the members of the Foreign Office and came per-
24 sonally to call the following day to express his
25 sympathy. He never lost an opportunity to show me

1 a kindness, although he was extremely bad tempered
2 at times, particularly at the time when the Doolittle
3 bombing of Japan took place and his own family were
4 endangered.

1 THE PRESIDENT: Do you think you are going
2 to meet the sweeping charges made against you by
3 reading the individual experiences of a few people?
4 We know that there are tens of thousands of kind-
5 hearted Japanese. We would assume in the army itself,
6 in the navy, in the air force, many Japanese behaved
7 very well but that is not an answer to these charges.
8 Meet the charges made against you and do not try to
9 prove that in other cases where no charges were made
10 no faults could be found. That is what you are doing.

11 MR. FREEMAN: I respectfully submit there are
12 men in the dock from the Foreign Office, from the army,
13 and from the navy. They are charged with conspiracy
14 and among other things, crimes against humanity.
15 Apparently this instruction came from the Foreign
16 Office which certainly shows there was no conspiracy
17 to humiliate people and I know of no way to disprove
18 these charges than from affidavits from the people who
19 were supposed to have been subjected to these indig-
20 nities.

21 THE PRESIDENT: I recollect no charge in re-
22 spect of Mrs. Martin, no evidence of Mrs. Martin,
23 offered by the prosecution.

24 It is only fair to let you know just what we
25 think of this type of thing so you will be able to

1 produce something better if it is available.

2 MR. FREEMAN: The prosecution offered
3 evidence or attempted to offer evidence, certain
4 evidence of this type, in that area as to certain
5 indignities.

6 COLONEL MORNANE: If it please the Tribunal,
7 the prosecution offered no evidence with regard to
8 treatment of diplomatic officials in Hong Kong and
9 one would quite expect, of course, that the wife of
10 a diplomatic official would receive privileged treat-
11 ment.

12 THE PRESIDENT: The defense case as I see it
13 is just this: In ten thousand cases there may have
14 been bad treatment but listen to this case of good
15 treatment. That is no answer to the ten thousand
16 cases of bad treatment or allegations of bad treatment.
17

18 MR. FREEMAN: It is an answer though to the
19 allegation that these men in the dock conspired
20 together. Here is the Foreign Office of the Japanese
21 government seeing that the Foreign Office in Hong Kong
22 treated the diplomatic people well.

23 THE PRESIDENT: I think the views that I am
24 putting to you about this type of evidence that you
25 are pressing on us is shared by all of us.

MR. FREEMAN: I next call the witness,

1 KOMODA, Koichi, whose affidavit is defense document
2 1805.

3 - - -

4 K O I C H I K O M O D A, called as a witness on
5 behalf of the defense, being first duly sworn,
6 testified through Japanese interpreters as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. FREEMAN:

10 Q Mr. KOMODA, will you give us your full name
11 and address?

12 A My name is KOMODA, Koichi. My present
13 address: No. 682 Noboritocho, 3-chome, Chiba City.

14 MR. FREEMAN: May the witness see defense
15 document 1805?

16 Q Is that your affidavit and have you signed
17 it?

18 A Yes.

19 Q Are the contents therein true and correct?

20 A Yes.

21 MR. FREEMAN: I offer in evidence defense
22 document 1805.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1805
25 will receive exhibit No. 3075.

(Whereupon, the document above
referred to was marked defense exhibit
No. 3075 and received in evidence.)

MR. FREEMAN: I shall now read exhibit 3075
beginning at the bottom of page 1:

"I was residing in the Kwangtung district as
the commander of the 104th division from December 1940
to July 1942 and after that I served as commander of
the division area at Seoul, Korea until the surrender
of Japan.

"I served as commander of the 104th division
stationed in the suburbs to the northwest of Kwangtung
from December 1940 to July 1942.

"In December 1941, the Japanese army carried
out almost no military operations. It exerted all its
efforts toward maintaining public peace and order in
the Kwangtung district. Therefore, it is hardly pos-
sible to conclude that the Japanese army occupied the
walled city on December 21, 1941.

"When the Great East Asia War broke out on
December 8, 1941 no more than one and a half divisions
were garrisoned in the Kwangtung district. At that
time Yu Han-mou, who took command of a force numbering
220,000, took the offensive against my division, and
my division did everything in its power to defend

itself against the attacks.

1 "Though I resided in the Kwangtung district
2 for no less than twenty months, I have never heard of
3 such place names as Shihuohan, Uyanchiao, Shahsia,
4 Shaipuchang, Hopienfucheng, Shuehkung-hsiencheng,
5 Chaohsian, Peimenwai, Hsimenkou, Paisha. I am firmly
6 confident that strict military discipline was main-
7 tained in my division. For instance, I went so far
8 as to dispatch judiciaries twice a week to various
9 units under my command in order to give training,
10 aimed at the prevention of crimes on the part of my
11 subordinates. Thus, we did our utmost to prevent such
12 crimes, however slight they may be.
13

14 "The strict military discipline of my
15 division won the respect of the Chinese masses. I
16 can say definitely that there was not a single case
17 in which a Chinese person, male or female, young or
18 old, was murdered by the subordinates in my division.

19 "On this 18th day of June, 1947."

20 You may cross-examine.

21 THE PRESIDENT: Mr. Sutton.

22 MR. SUTTON: May it please the Tribunal,
23 prosecution's evidence concerning atrocities committed
24 at the time as to which this witness testifies appear
25 in exhibit 351, transcript of proceedings, page 4649.

1 Additional evidence of atrocities in the Kwantung
2 Province appear in exhibit 350, transcript of pro-
3 ceedings, page 4648.

4 The prosecution does not desire to cross-
5 examine this witness.

6 MR. FREEMAN: I next call the witness OKADA--

7 THE PRESIDENT: This witness is released on
8 the usual terms.

9 MR. FREEMAN: I am sorry.

10 (Whereupon, the witness was excused.)

11 MR. FREEMAN: I next call the witness OKADA,
12 Yoshimasa, whose affidavit is defense document 1781.
13

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15 Y O S H I M A S A O K A D A, called as a witness on
16 behalf of the defense, being first duly sworn,
17 testified through Japanese interpreters as follows:

18 DIRECT EXAMINATION

19 BY MR. FREEMAN:

20 Q Mr. OKADA, will you please give us your full
21 name and address?

22 A My name is OKADA, Yoshimasa, and my present
23 address: 190 Mabashi, 2-chome, Suginami-ku, Tokyo.

24 MR. FREEMAN: May the witness be shown defense
25 document 1781.

Q Is that your affidavit and have you signed it?

1 A This is mine and I have signed it.

2 Q Are the contents therein true and correct?

3 A Yes.

4 MR. FREEMAN: I offer in evidence defense
5 document 1781.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 1781
8 will receive exhibit No. 3076.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 3076 and received in evidence.)

12 MR. FREEMAN: I read exhibit 3076, beginning
13 with the second paragraph on page 2.

14 THE PRESIDENT: Well, he is a colonel, or
15 was at the time of the surrender; he is aged forty-
16 four; he was in the 6th Area Army at Hankow up to the
17 end of the war from June 1943. Start off on the second
18 page, "In January."

19 MR. FREEMAN (Reading): "In January in the
20 19th year of Showa (1944), the Headquarters of the
21 Japanese Expeditionary Forces in China ordered the
22 23d Army to capture Liuchow, advancing from the Canton
23 area.
24

25 "The original document of the order is not
existing now, because it was burnt when the war ended."

1 But as I was one of the senior staff officers of the
2 23d Army at that time, I knew quite well all the move-
3 ments of the Army.

4 "The 23rd Army was stationed in the Canton
5 and the neighboring area. When the army got the order
6 to capture Liuchow instead of advancing directly toward
7 Liuchow, the main force marched to the north, and the
8 KOYASEKO force advanced to the south or to the opposite
9 direction from Liuchow, concealing the operations plan.

10 "The KOYASEKO force was a battalion under
11 the command of the YONEYAMA Brigade, which advanced
12 from Kowkong to Taishan. The force started its move-
13 ment from Kowkong late in June and entered Taishan
14 leading the van of the whole brigade. By that time
15 all the inhabitants of Taishan had already evacuated
16 and not a soul was to be seen, and some soldiers of
17 the Pacification Corps despatched by our army burst
18 into laughter saying 'How can we pacificate people
19 when there is not a soul to talk to?'

20 "The KOYASEKO force tried to march towards
21 Liuchow from the point 30 miles south of Taishan
22 toward north and along the Si-kiang (River), but
23 there was a very strong position of the enemy at
24 this point and the force had a fierce battle with the
25 enemy which lasted from the early part of July till

1 the latter part of the same month, and casualties
2 of the force amounted even to several scores and the
3 force had to waste much of its arms and ammunition.
4 The aim of the KOYASEKO battalion's action was not
5 to fight, but to advance secretly to Wuchow as soon
6 as possible and to sweep the mines laid by the enemy
7 in the Si-kiang in order to help the main force
8 which was coming up north.

9 "For this purpose one of the minesweeper
10 groups of our navy accompanied us. Such being the
11 case, therefore, we were quite at a loss when we
12 were confronted with this unexpected battle. We
13 wanted to get to Wuchow as soon as possible, but we
14 got there five days later than we had expected due
15 to the stubborn resistance of the enemy. After a
16 hard battle, however, we drove back the enemy and
17 advanced towards Wuchow, and all the inhabitants in
18 the area had already taken refuge and none of them
19 could be seen.

20 "The force had an urgent duty of getting to
21 Wuchow without wasting even a moment. And there-
22 fore it could not be possible that the force had time
23 enough to murder inhabitants or set fire to their
24 houses on its way to Wuchow. It had simply to con-
25 tinue its heavy march day and night.

1 "Moreover, the Commander of the Army had
2 strictly ordered all the soldiers to observe the
3 'three don'ts'; that is, 'don't burn,' 'don't kill,'
4 and 'don't plunder.'

5 "Force Commander KOYASEKO had been the
6 superintendent of the Military Preparatory School
7 in Osaka until he was appointed commander of the
8 force.

9 "It was the unwritten rule of the Japanese
10 Army that a superintendent of the Military Pre-
11 paratory School was to be selected and appointed
12 from among officers of noble character, considering
13 the education of young boys. And therefore I can-
14 not believe that there should have been any atrocities
15 committed by the men of Commander KOYASEKO, who was
16 an idealist and man of noble character of the
17 Japanese officers. If there had been such mis-
18 conduct, I should have been informed of it, but I
19 firmly believe that there were no such facts.

20 "I have attached a rough sketch of the map
21 which shows the course that the KOYASEKO force
22 followed from Canton towards Wuchow.

23 "On this 5th day of April, 1947, at Tokyo."

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

1 (Whereupon, at 1445, a recess was
2 taken until 1500, after which the proceedings
3 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: The prosecution may cross-
5 examine.

6 THE PRESIDENT: Mr. Sutton.

7 MR. SUTTON: May it please the Tribunal,
8 we respectfully refer the Tribunal to the prosecu-
9 tion's evidence with regard to atrocities committed at
10 and in the vicinity of Liuchow, as found in exhibit
11 350, record page 4648; exhibit 352, record page 4651;
12 exhibit 353, record page 4652; and exhibits 354 to
13 359, inclusive, record page 4655.

14 The prosecution does not desire to cross-
15 examine the witness.

16 MR. FREEMAN: May the witness be excused?

17 THE PRESIDENT: He is excused on the usual
18 terms.

19 (Whereupon, the witness was excused.)

20 MR. FREEMAN: I next call the witness
21 KOYASEKO, Kaname, whose affidavit is defense document
22 1782.
23

24 - - -
25

1 K A N A M E K O Y A S E K O, called as a witness
2 c. behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. KOYASEKO, will you give us your full
8 name and address?

9 A My name, KOYASEKO, Kaname; my address,
10 No. 1468, Nisemoto, Kashiwa-Mura, Aso-Gun, Kumamoto
11 Prefecture.

12 MR. FREEMAN: May the witness see defense
13 document 1782.

14 Q Is that your affidavit and did you sign it?

15 A This is my affidavit. I have signed it.

16 Q Are the contents therein true and correct?

17 A True and correct.

18 MR. FREEMAN: I offer in evidence defense
19 document 1782.

20 THE PRESIDENT: Mr. Sutton.

21 MR. SUTTON: May it please the Tribunal, the
22 prosecution objects to all of paragraph 5 of this
23 affidavit, which appears at the bottom of page 2 and
24 top of page 3, and to all of paragraph 6.
25

THE PRESIDENT: "Where does "6" start? We

1 have "b" here.

2 MR. SUTTON: It is written "b" in some
3 copies. It appears on page 3 of the affidavit --
4 except the first and last sentence of that section
5 of the affidavit, on the ground that the alleged action
6 of the Chinese Communists toward citizens of China
7 and the alleged action of the Chinese Communists
8 toward the coolies is immaterial and irrelevant.

9 MR. FREEMAN: If the Tribunal pleases, this
10 is an explanation of what took place, because the
11 Japanese are charged with committing those acts.

12 THE PRESIDENT: Do you wish to argue the
13 point, Mr. Freeman?

14 MR. FREEMAN: Yes, if the Court pleases.
15 This explanation given which took place in that area
16 is what the prosecution has contended that the Japan-
17 ese committed, and this is an explanation of what
18 actually took place.

19 THE PRESIDENT: The objection is overruled,
20 and the document admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1782
22 will receive exhibit No. 3077.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3077 and received in evidence.)

1 MR. FREEMAN: I now read exhibit 3077,
2 beginning with paragraph 2 on page 1:

3 "2. The gist of my career follows:

4 "In 1928 I graduated from the Army Cadet
5 School.

6 "For about 3 years beginning 1941 on, I was
7 attached to Osaka Military Preparatory School.

8 "From 1944 to the termination of hostili-
9 ties, I held (as a major) the post of the commander
10 of the 126th Independent Infantry Battalion and
11 participated in the operations in South China.

12 "3. In June 1944 my battalion, acting in
13 coordination with the 23rd Army's attack on Liuchow,
14 advanced from the Canton district to the Taishan area
15 and thence turning northward operated in the Wuchow
16 area, a strategic point on the River Sikiang. In
17 this operation, which began in the early part of July,
18 we made a forced march continuously for about a month.
19 Owing to the unexpectedly stubborn resistance of the
20 enemy, however, we were delayed despite our strenuous
21 efforts for a rapid advance, and spent about five days
22 longer than the directed schedule.

23 "In this fighting scores of our officers and
24 men were killed or wounded and a large amount of
25 munitions were consumed.

1 "4. My unit had always been under strict
2 orders of our army commander and other superior of-
3 ficers concerned to maintain military discipline
4 with strictness and severity.

5 "Our slogan being the three don'ts of
6 'don't burn, don't kill, and don't plunder,' I am
7 absolutely sure that no one in the unit violated
8 the order. So thoroughly did my men adhere to the
9 orders of superior officers that I hereby state
10 positively that absolutely no one under my command
11 ever killed any Chinese, or ever set fire on any
12 Chinese houses.

13 "5. Although this has no direct bearing
14 upon the action of the Japanese Army, I may add in
15 this connection that we were then told that, in a
16 valley some 3ri (TN about 12 km) north of Taishan,
17 there were a group of villagers forming an armed
18 body, called the Sanshahsiang self-defense corps and
19 led by members of the communist traitors-slaying
20 party, that all the members of this body, amounting
21 to some 800, were armed either with rifles or with
22 revolvers and that they constantly oppressed the
23 neighboring villagers.

24 "(b) Late in June of the same year, my
25 unit advanced towards the Taishan area and then was

ordered to march farther.

1 "At that time the coolies we had employed
2 in the Canton district expressing their desire to
3 return home, we gave them sufficient wages, allowances,
4 and even clothes and let them go. The coolies then
5 released consisted of about a half of those who had
6 followed us from Canton. I hear that when these
7 coolies on their way home passed by the said commu-
8 nist village, they were assaulted by the villagers
9 and were looted, massacred or captured, that there-
10 upon they retreated to the Taishan district and
11 obtaining the help of the neighboring villagers, who
12 had been oppressed by the communists they revenged
13 themselves on their communist enemy and this occa-
14 sioned some bloodshed. With regard to this affair,
15 I know nothing beyond what I have said above because
16 the Chinese alone were involved in the affair and
17 since we were busily engaged in operations to fulfil
18 our duty to reach Wuchow as soon as possible, we
19 were hurriedly marching on. If any atrocity is
20 reported to have been committed around Taishan,
21 I am inclined to think that the report, by mistake,
22 has mixed this occurrence up with the Japanese action.
23 I definitely state that not a single act of atrocity
24 was ever committed by my unit.
25

1 "7. By the above statement, I believe
2 that the actions of my battalion were of purely
3 military nature and included no illegal actions.

4 "8. I hereto attach a sketch-map, which
5 I believe will make clear the situation around
6 Taishan.

7 "On this 15th day of June, 1947, at Tokyo.

8 "KOYASEKO, Kaname."

9 You may cross-examine.
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1 MR. SUTTON: If it please the Tribunal,
2 we respectfully draw the attention of the Tribunal
3 to those portions of the prosecution's evidence which
4 were mentioned in my statement made at the conclusion
5 of the testimony of the witness OKADA, who just
6 testified, exhibit 2 -- 3076.

7 THE PRESIDENT: That is not even an exhibit
8 number, is it?

9 MR. SUTTON: 3076.

10 THE PRESIDENT: The one before this -- yes.

11 MR. SUTTON: We do not desire to cross-
12 examine the witness.

13 THE PRESIDENT: Mr. Freeman.

14 MR. FREEMAN: I next call the witness TOSHIMA.

15 THE PRESIDENT: The witness is released on
16 the usual terms.

17 MR. FREEMAN: I am sorry.

18 (Whereupon, the witness was excused.)

19 MR. FREEMAN: I next call the witness TOSHIMA,
20 Fusataro, whose affidavit is defense document 1783.

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1 F U S A T A R O T O S H I M A, called as a
2 witness on behalf of the defense, being
3 first duly sworn, testified through
4 Japanese interpreters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. TOSHIMA, will you give us your full name?

8 A TOSHIMA, Fusataro.

9 MR. FREEMAN: May the witness be shown
10 defense document 1783.

11 Q Is that your affidavit, and have you signed
12 it?

13 A Yes. -

14 Q Are the contents therein true and correct?

15 A Yes.

16 MR. FREEMAN: I offer in evidence defense
17 document 1783.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1783
20 will receive exhibit No. 3078.

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 No. 3078 and received in evidence.)

24 MR. FREEMAN: I shall now read in evidence
25 exhibit 3078, beginning with paragraph 2.

1 "2. The general outline of my personal
2 history is as follows:

3 "1910 Graduated from the Military Academy.

4 "1934 Was promoted to Colonel in March and
5 appointed of Miyakonojo Regimental Commander.

6 "1937 Was promoted to Major General in
7 December.

8 "1940 Was promoted to Lieutenant General
9 in August.

10 "1940 In October, was appointed Commander
11 of the 3rd Division in China and went there.

12 "1942 In the middle of January, was
13 appointed Commander of the Imperial Guards Division.

14 "1943 In October, was appointed Commander
15 of the 2nd Army in New Guinea and while I was sta-
16 tioned in the Celebes the war ended.

17 "3. By the summer of 1941, the Chinese
18 Forces in the Changsha area had become very powerful
19 and were beginning to take the offensive against the
20 Japanese Forces who were beginning to sense a grave
21 threat.

22 "With the aim of delivering a hard blow
23 upon these Chinese Forces in the vicinity of Changsha,
24 it was decided to have the troops advance towards
25 this area. The objective of the operations was not

1 to occupy the area but just to crush the enemy forces.
2 For this reason, it had been arranged that our forces
3 return to their garrison station as soon as they
4 attained their objective.

5 "4. The 3rd Division under my command started
6 operations in concert with the 4th, 6th and 10th
7 Divisions and in early October of that same year, the
8 4th Division of the divisions mentioned above entered
9 the town of Changsha and after staying there three
10 days or so, immediately pulled out for their stationed
11 area. As for my 3rd Division, we did advance as far
12 as Chuchow, a short distance from Changsha, but did
13 not enter Changsha itself. From there we returned
14 to our former camp near Hankow.

15 "5. During the time of the operations,
16 military discipline of the Japanese Forces had been
17 exceedingly strict and I can rightly state that the
18 actions of the Japanese Forces had been very fine and
19 exemplary. The authorities of the Japanese Expedi-
20 tionary Army in China applied their utmost effort in
21 the maintenance of strict military discipline. There
22 is the case where around March, 1941, the army
23 commander summoned together all the divisional com-
24 manders within the army to Hankow where a meeting was
25 held to talk over the maintenance of strict military

1 discipline. On that occasion, the army commander
2 delivered instructions which were both grave and firm.
3 The gist of his speech was as follows: 'The essence
4 of the Japanese Army is not in just being strong.
5 Every soldier must treat the inhabitants in the field
6 of operations with sincerity and kindness, aid
7 righteousness and punish the bad basing your actions
8 on the true spirit of BUSHIDO. Even in time of
9 operations, he who inflicts unnecessary injuries
10 upon inhabitants or damages their property is acting
11 very much contrary to the spirit of the BUSHIDO. Each
12 divisional commander must make certain that there is
13 absolutely no soldier under his command that would
14 act contrarily to spirit of BUSHIDO.'

15 "All the divisional commanders got the men
16 of their respective divisions to faithfully obey the
17 purport of the above instructions.

18 "Prior to that time, there had been three
19 taboos with the China Expeditionary Force: Do not
20 burn! Do not kill! and Do not loot! The Japanese
21 troops in China, in obedience to these orders of their
22 superiors absolutely did not commit any deeds that
23 would be a disgrace to a soldier.

24 "While my 3rd Division was in the midst of
25 operations a view was presented that we had better

1 destroy enemy barracks by fire. However, I issued
2 strict orders and prohibited soldiers from destroying
3 even barracks of the enemy. This was because there
4 private homes used by the enemy as and since distin-
5 guishing private homes from those used as barracks
6 would be difficult not to mention the fact that there
7 was doubt in the wisdom of allowing the soldiers to
8 get into the habit of burning even barracks I prohibited
9 rigidly this practice.

10 "6. Another attack operations on Changsha
11 was carried out from the end of 1941 to the beginning
12 of 1942. The objective of this operation was the same
13 as that of the previous one. This time the 3rd Divi-
14 sion under my command in cooperation with the 6th
15 Division made the attacks on the Chinese Forces in
16 the area of Changsha. We returned, however, without
17 going into Changsha, although we had advanced to a
18 point near the city.

19 "7. During my stay in China, in accordance
20 with the intention of the army commander, I paid my
21 utmost attention to the maintenance of strict military
22 discipline. So far as my division is concerned, I
23 firmly believe that on this point, there is not a thing
24 in which we are not unimpeachable.
25

"On this 15th day of June, 1947, at Tokyo."

1 You may cross-examine -- just a minute.

2 You may cross-examine.

3 MR. SUTTON: May it please the Tribunal,
4 we desire to draw the attention of the Tribunal to
5 that portion of the prosecution's evidence which has
6 to do with atrocities committed in the vicinity of
7 Changsha: exhibit 341, record page 4610 and exhibit
8 342, record page 4612.

9 We do not desire to cross-examine the witness.

10 MR. FREEMAN: May the witness be excused?

11 THE PRESIDENT: He is excused on the usual
12 terms.

13 (Whereupon, the witness was excused.)

14 MR. FREEMAN: I next call the witness SUZUKI,
15 Teiji, whose affidavit is defense document 1756.
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1 T E I J I S U Z U K I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. SUZUKI, will you give us your full name
8 and address?

9 A My name is SUZUKI, Teiji. My present address
10 is No. 71, Kita-Anto-machi, Shizuoka City.

11 MR. FREEMAN: May the witness be shown defense
12 document 1756?

13 (Whereupon, a document was handed to
14 the witness.)

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes, both true and correct.

19 MR. FREEMAN: I offer in evidence defense
20 document 1756.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1756
23 will receive exhibit No. 3079.

24 (Whereupon, the document above re-
25 ferred to was marked defense exhibit No. 3079

and received in evidence.)

1 MR. FREEMAN: I shall read into evidence
2 exhibit No. 3079, beginning with paragraph 2:

3 "2. The outline of my career is as follows:
4 Graduated from the Military Academy 1910; promoted to
5 Major-General in 1939; promoted to Lieutenant-General
6 in 1942; appointed Commander of the 104th Division
7 under the Kwangtung 23rd Army August, 1942; appointed
8 Commander of the 143rd Division in 1945, and was back
9 in Japan proper when the war ended.
10

11 "3) I was Commander of the 104th Division
12 from August, 1942 to March, 1945.

13 "Towards the end of June, 1944, the 104th
14 Division was ordered to occupy the Liuchow Airfield.
15 To conceal the movement of the division, at first I had
16 the troops advance towards the banks of the Lienchiang
17 in the northern districts of Kwangtung, and then had
18 them turn around and advance towards Wuchow.

19 "Then we continued to march towards Liuchow.

20 "We started action against the Liuchow Airfield
21 from its eastern and southern districts. Just at this
22 time the 6th and 68th Regiments, both a part of the
23 Central China Army, were marching from the northern and
24 eastern districts of the Liuchow Airfield, and in
25 cooperation with them, we succeeded in occupying the

1 airfield in the beginning of November, 1944. After
2 staying there for about five days, we advanced as far
3 as Checheng, and then changed directions to return to
4 Kwangtung. My Division entered the Liuchow Airfield
5 only, and we did not allow a single man to enter the
6 city of Liuchow which was across the river.

7 "In occupying the Liuchow Airfield, only a
8 single advance battalion from my Division fought against
9 the remaining enemy, and we were able to enter the
10 airfield easily, almost without battle worth speaking of.

11 "4) During this battle, my Division strictly
12 observed the three-point instructions of 'Do not burn.
13 Do not kill. Do not plunder,' which had been ordered
14 by the Army Commander; we faithfully carried out the
15 policy of extending love to the people, and behaved with
16 our chief objective on pacification and securing peace
17 in the rear areas.

18 "As the enemy, had given orders to the residents
19 in general and had strictly carried out the military
20 policy of evacuation for the battlefield, the residents
21 in general had indeed all escaped and there were none
22 who remained. When it became gradually known to them
23 that Japanese army discipline was strictly maintained
24 and that the Japanese army not only did not injure the
25 residents but loved them, they returned one by one to

1 follow their occupations.

2 "I declare absolutely that the discipline
3 of my Division was strictly maintained, and there was
4 not a single instance of my men having killed any
5 resident or having burned any of their residences."

6 You may cross-examine.

7 MR. SUTTON: If it please the Tribunal, from
8 the prosecution's evidence as to the atrocities
9 committed by the Japanese troops at Liuchow, we re-
10 spectfully request the Tribunal's attention to the
11 nine exhibits mentioned in the statement made at the
12 end of the testimony of the witness OKADA, exhibit No.
13 3076.

14 We do not desire to cross-examine the witness.

15 THE PRESIDENT: The witness is excused on the
16 usual terms.

17 (Whereupon, the witness was excused.)

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19 MR. FREEMAN: I next call the witness YONEYAMA,
20 Yoneshika, whose affidavit is defense document 1757.
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1 Y O N E S H I K A Y O N E Y A M A, called as a
2 witness on behalf of the defense, being first
3 duly sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. YONEYAMA, will you give us your name and
8 address?

9 A My name is YONEYAMA, Yoneshika. My present
10 address is 24 Jumonji, Yoda-Mura, Chiba-Gun, Chiba
11 Prefecture.

12 MR. FREEMAN: May the witness be shown defense
13 document No. 1757?

14 (Whereupon, a document was handed to
15 the witness.)

16 Q Is that your affidavit and did you sign it?

17 A Yes, this is my affidavit.

18 Q Are the contents therein true and correct?

19 A Yes.

20 MR. FREEMAN: I offer in evidence defense
21 document 1757.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1757
24 will receive exhibit No. 3080.

25 (Whereupon, the document above referred

1 to was marked defense exhibit No. 3080
2 and received in evidence.)

3 MR. FREEMAN: I will read into evidence
4 exhibit No. 3080, beginning with paragraph 2:

5 "2. An outline of my career is as follows:

6 "1910 Graduated from the military academy.

7 "1941 Appointed Major-General and Commander
8 of the 52nd Infantry Brigade.

9 "December, 1942 Appointed Commander of the
10 22nd Independent Mixed Brigade, in which post I served
11 until the termination of the war.

12 "3. I, as Commander of the 22nd Independent
13 Mixed Brigade, took part in attacking Liuchow from the
14 Kuantung area.

15 "My unit did not advance directly toward
16 Liuchow, but began to advance south, toward Leichow
17 Peninsula, in the opposite direction of Liuchow, in
18 order to conceal the operation plan.

19 "The KOYASEKO Battalion under my command
20 commenced action at Hsinhui in the neighbourhood of
21 Kuantung and marched to the vicinity of Chaoyangli,
22 north of Taishan, at the end of June. All the inhabi-
23 tants, beginning with those of Taishan, had fled; as the
24 result, we saw none of them.

25 "I did not permit the Japanese forces to enter

1 the town of Taishan, except a small number of military
2 policemen whom I sent to guard the evacuated houses.
3 There were no incidents on the streets of Taishan.

4 "4. Strictly abiding by the Army Commander's
5 three strict commands 'Don't burn, don't kill, and
6 don't plunder,' the Japanese forces maintained exceed-
7 ingly strict military discipline. In the neighbourhood
8 of Taishan, they never killed inhabitants or set fire
9 to their dwellings. I can affirm that there was no such
10 action among forces under my command.

11 "5. We received fierce fire from numerous enemy
12 watch-towers constructed at a place approximately 30
13 miles south of Taishan, the name of which I have for-
14 gotten, and met with stubborn resistance; consequently,
15 we suffered considerable loss and the artillery
16 commander was killed.

17 "6. I never heard that the Japanese troops
18 plundered, killed or set fire. I assert that
19 none of my subordinates was guilty of such action.

20 "7. Battalion Commander YAMASAKI is a man
21 of noble character; particularly he loved the Chinese
22 people and stressed 'respect for old people and love
23 for children' as a motto. He won unusual confidence
24 among the Chinese people.

25 "On this 10th day of June, 1947."

1 "6. When our unit started from Kuantung,
2 we took with us several hundred Chinese coolies
3 employed in the neighbouring area of Hsinhui. As we
4 came to the environs of Taishan, they wished to go
5 back to their native place; after giving them ample
6 wages, allowances, and clothes, we permitted them to
7 do so. (Though a half of the coolies we had taken
8 went home, the unit did not recruit new ones.)

9 "However, I have been informed that when
10 these coolies came by a communist village on their way
11 home, they were arrested by members of a society by the
12 name of Chu Chien Tuan (TN: Organization for punish-
13 ing traitors), who robbed them of their money and
14 other articles and finally killed them. However, this
15 happened among the Chinese and had nothing to do with
16 the Japanese troops.

17 "7. I never heard that the Japanese troops
18 plundered, killed or set fire. I assert here that
19 none of my subordinates was guilty of such action.

20 "8. Battalion Commander KOYASEKO is a man
21 of noble character; particularly he loved the Chinese
22 people and stressed 'respect for old people and love
23 for children' as a motto. He won unusual confidence
24 among the Chinese people.
25

"On this 10th day of June, 1947."

You may cross-examine.

THE PRESIDENT: Mr. Sutton.

MR. SUTTON: If the Tribunal please, we

We do not desire to cross-examine this witness.

THE PRESIDENT: The witness is excused on

(Whereupon, the witness was excused.)

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MR. FREEMAN: I next call the witness KURODA

Shigenori, whose affidavit is defense document 1705.

1 S H I G E N O R I K U R O D A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. KURODA, will you give us your full name?

8 A KURODA Shigenori.

9 MR. FREEMAN: May the witness see defense
10 document 1705?

11 (Whereupon, a document was handed
12 to the witness.)

13 Q Is that your affidavit and have you signed it?

14 A Yes.

15 Q Are the contents therein true and correct?

16 A Yes.

17 MR. FREEMAN: I offer in evidence defense
18 document 1705.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1705
21 will receive exhibit No. 3081.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3081 and received in evidence.)

25 MR. FREEMAN: I shall read into evidence

1 exhibit 3081, beginning with paragraph II:

2 "II. My past career is roughly as follows:

3 "Oct., 1937. Commander of Infantry of the
4 26th Division. (Maj. General)

5 "Nov., 1938. Commander of the 4th Inde-
6 pendent Garrison at Mutankiang, Manchuria.

7 "Aug., 1931."

8 I think that should be 1941.

9 "Commander of the 26th Division (Lt.
10 General)

11 "Aug., 1941. Chief of Staff of the Depart-
12 ment of Military Education.

13 "Since then up to November 1944, I served
14 first as the Chief of Staff of the Singapore Army and
15 then as the Commander of the Manila Army. In December,
16 1944, I was placed on the reserve list.

17 "III. Late in January, 1940, in my capacity
18 as the Commander of the 26th Division, under the
19 Central Mongolian Army commanded by Lt. Gen. OKABE
20 Naosabura, I was engaged, with the cooperation of our
21 cavalry corps, in operations in the Wuyuan district to
22 suppress Tien Tso-yi's forces there. Our troops ad-
23 vanced from Paotou by motor vehicles and defeated the
24 enemy. The battles ended in about ten days. The
25 forces under my command evacuated the town of Wuyuan

1 immediately after occupation and after that the town
2 was guarded by forces commanded by Lt. Gen. OKABE
3 Naosabura.

4 "IV. I used to warn my troops never to
5 treat the nationals cruelly and this intention of
6 mine was fully understood by all, from the regimental
7 commanders down.

8 "I instructed my troops to be kind towards
9 the Chinese people. This instruction was obeyed
10 faithfully by all. My 26th Division was noted for
11 its discipline, and was known as the model division
12 in North China.

13 "V. For the following reasons, I definitely
14 deny the accusation of the 2nd and 3rd of February,
15 1940, some of the soldiers of the 13th Regiment of
16 the 26th Division, committed outrage and slaughter:

17 "The battle of Wuyuan was fought on the open
18 plain of Wuyuan, and no attack was attempted on the
19 town. Moreover, all the inhabitants had taken refuge
20 in the interior and there was not one left. Therefore,
21 no such violence could take place. Besides, any such
22 unlawful acts could not and in fact were not committed
23 by my troops, nor by the troops of Maj. Gen. ADACHI,
24 the Commander of the Infantry Corps and Col. ISHIGURO,
25 the Commander of the regiment, both of whom were

1 particularly scrupulous about discipline. If there
2 had been any of such unlawful acts, they would have
3 been reported to me for, thanks to the satisfactory
4 communication with various localities at that time,
5 I could receive and carefully examine all the reports
6 coming from everywhere. However, no such cases of
7 violence came to my notice. Moreover, if such an act
8 had been committed, it would have been brought before
9 a court martial for strict punishment, but no case of
10 this nature was tried by a court martial.

11 "I insist that there was absolutely no such
12 incidents.

13 "On the contrary, the fact was that, Japanese
14 troops were massacred in the said Wuyuan district.
15 Late in March, 1940, as the snow began to melt, a
16 number of Japanese soldiers and officials of the OKABE
17 group, who were guarding the town of Wuyuan after the
18 Wuyuan operations, were massacred by Tien Tso-yi's
19 forces who invaded the town.

20 "As that was the situation the allegation
21 that the Japanese army or troops under my command
22 committed outrage and slaughter, etc., is absolutely
23 untrue.

24 "On this 15th day of July, 1947."

25 You may cross-examine.

1 THE PRESIDENT: Mr. Sutton.

2 MR. SUTTON: May it please the Tribunal,
3 we respectfully draw the attention of the Tribunal to
4 the ten prosecution exhibits, Nos. 361 to 370 inclusive,
5 which appear at record pages 4658 to 4660.

6 We do not desire to cross-examine the witness.

7 THE PRESIDENT: He is excused on the usual
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: If the Tribunal please, the
11 third date in paragraph II on page 1 should read,
12 "August, 1939." I said '41.

13 I next call the witness ABE Yoshimitsu,
14 whose affidavit is defense document 1257.

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1 Y O S H I M I T S U A B E, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. ABE, will you give us your full name
8 and address?

9 A My name is ABE Yoshimitsu; my present
10 address is Koyaura, Saka-Mura, Aki-gun, Hiroshima
11 Prefecture.

12 MR. FREEMAN: May the witness be shown
13 defense document 1257?

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Is that your affidavit and have you signed it?

17 A This is my affidavit and I have signed it.

18 Q Are the contents therein true and correct?

19 A Yes.

20 MR. FREEMAN: I offer in evidence defense
21 document 1257.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1257
24 will receive exhibit No. 3082.

25 (Whereupon, the document above

referred to was marked defense exhibit
No. 3082 and received in evidence.)

MR. FREEMAN: I shall read into evidence
exhibit 3082, beginning with paragraph 2:

"2. An outline of my career is as follows:

"(1) Graduated from the Military Academy in
1920, Second Lieutenant, Infantry.

"(2) Staff-officer, North China Area Army,
Major, Infantry.

"(3) Attached to the Military Affairs Bureau
of the War Ministry, Lieutenant Colonel, Infantry.

"(4) Chief of Staff of the 38th Division,
Colonel, Infantry.

"(5) Commander of the Army Railway Trans-
port of the Hiroshima District. Major-General until
the close of the war.

"3. I took part in the battle of Hongkong in
the capacity of Chief of Staff of the 38th Division.
The said battle was started on command of the 23rd
Army on the morning of December 8, 1941.

"4. I shall explain the outline of this
battle of Hongkong in two stages -- the first is the
attack on the Kowloon Peninsula and the second on the
Island of Hongkong.

"1st stage:" - -

1 THE PRESIDENT: How is this relevant; details
2 of a battle? It is very interesting but not relevant
3 as far as I can judge.

4 I think we should give you a chance to revise
5 this tonight, Mr. Freeman. It is a very lengthy affi-
6 davit, and it seems to have a lot of details that are
7 of no assistance.

8 We will adjourn until half past nine tomorrow
9 morning.

10 (Whereupon, at 1600, an adjourn-
11 ment was taken until Thursday, 4 September
12 1947, at 0930.)
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